



# Scrutiny Report Localised Support for Council Tax

**Corporate Scrutiny Panel**

March 2013





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## FOREWORD FROM THE CHAIRMAN



**Cllr David Robinson**  
Chairman of the Corporate Scrutiny Panel

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Council tax benefit is the most widely claimed means-tested benefit. Nearly six million families in the UK receive help with council tax bills through council tax benefit. However, the benefit ceases to exist on 1 April 2013. From this date the council will take over responsibility for council tax support through a locally designed council tax support scheme.

Although the new scheme is a localising measure, the government has retained some control over the scheme design, taking certain groups, most notably pensioners, out of scope for any potential reduction to existing eligibility criteria. Additional grant funding from central government, announced in October last year, has also given local

authorities the opportunity to limit the impact on working age claimants for the implementation year.

North Lincolnshire Council has taken advantage of the additional funding available.

It will be interesting to observe how the scheme is not only implemented in North Lincolnshire, but across the country, as every council has its own individual solution for maintaining council tax support.

The Scrutiny Panel members and I would like to place on record our thanks to the council officers from the new shared service who have 'gone the extra mile' in ensuring that the local scheme will have the minimum impact on those households which will be faced with contributing towards their council tax for the first time. Initiatives like the 'stakeholder consultation days' and 'Train the Trainer' programs have been very well received.

Recognising the volume of residents affected, the Scrutiny Panel will revisit how the council's scheme is working in its first year; this is reflected in the panel's recommendations.

Finally, I would like to thank all the dedicated members of our Corporate Scrutiny Panel for their research and input into this review and on their behalf thank the officers and other stakeholders who attended our meetings to answer our many questions on this important and far reaching scrutiny review.

# BACKGROUND TO THE REVIEW

The Local Government Finance Bill contains provisions to localise 'support' (i.e. discount) for council tax. This means that the council, rather than central government, will decide what support to provide and how to provide it, subject to the stipulation that the existing level of council tax benefit available to people of pensionable age must be preserved. The Government's stated intention is that the support system should protect the most vulnerable people but at the same time ensure that it pays to work.

Members agreed to explore the rationale behind the Government's policy change; investigate the impact on council taxpayers of the council's preferred scheme; explore the impact it would have on North Lincolnshire residents' and ensure that the council would assist those in financial hardship who would now be expected to contribute towards their council tax charge for the first time.

## Scope of the Review

The scrutiny panel agreed to focus on a number of key issues. These were -

- To explore the implementation of the provisions of the Local Government Finance Bill for the localisation of support for council tax, to replace council tax benefit.
- To explore the impact on North Lincolnshire residents' of the introduction of localised support for council tax.

# RECOMMENDATIONS

The final recommendations of the scrutiny panel are summarised below: -

## **Recommendation 1**

That all members and council officers be congratulated on the apparent seamless transition towards implementation of the localised support for council tax scheme.

## **Recommendation 2**

That council officers be congratulated on the inclusive way it has engaged all stakeholders in the process. The success of the away days and information events demonstrates just how important engagement is.

## **Recommendation 3**

That the scrutiny panel re-visit the localised support for council tax policy in six months time as the council prepares to implement a new policy for 2014-15. The re-visit will consider the communications strategy, income recovery experience and any impact on the council's collection rate for council tax as a result of the new localised scheme.

## **Recommendation 4**

That the scrutiny panel receive updates from the Financial Inclusion Group on the impact of, and remedial action taken, to assist those householders who are in financial hardship as a result of the implementation of the new policies.

## FINDINGS

As part of the Spending Review 2010, the Government announced that it would localise support for council tax from 2013-14, reducing expenditure by ten per cent. A key objective of this change is to 'make work pay'. The Welfare Reform Act 2012 provides for the abolition of council tax benefit, paving the way for new localised council tax reduction schemes.

### The Welfare Reform Act 2012

#### Council Tax

The Director of Policy and Resources informed the members that currently local authorities administer Council Tax Benefit to those eligible people who pay Council Tax based on nationally defined criteria. The Local Government Finance Bill 2011 localises council tax support by requiring local authorities to have their own council tax benefit scheme by 31 January 2013 and help reduce the cost of council tax benefit by 10%<sup>1</sup>.

Further powers in the Bill allow the Government to prescribe a default scheme which will take effect if a billing authority has not made a scheme by then. The default scheme would effectively cost the same as the current council tax benefit scheme, but the council would have to fund the 10% reduction in government funding. Therefore the council will determine the priorities of its own local communities when determining the amount of support for vulnerable and low income households to meet their Council Tax bills<sup>2</sup>.

In addition, the council will have the responsibility for deciding relief from local taxation, whilst still facing a 10% reduction in funding for council tax support. If the council was to protect pensioners and the vulnerable, it would need to make savings in other areas to make up for the 10% reduction. As these changes need to be implemented by April 2013, the council needs to develop a localised schemes and regulations for then and future years as the council tax burden increases<sup>3</sup>.

However, the Director later informed members that in October 2012, the government offered additional funding to councils for one year, dependent upon the local scheme meeting specified criteria. Essentially, a reduction of entitlement of between 0 and 8.5%, but not greater, can be made for all working age claimants if the council were to take advantage of the additional funding (see page 12 for further information).

#### Social Fund

At present, the Department for Work and Pensions administers the Social Fund, to which claimants are able to apply for Community Care Grants, Budgeting Loans and Crisis Loans. Claimants are able to apply for grants or interest free loans when they need help when they are facing a crisis; a significant change in their circumstances (e.g. being released from prison or social care) or to pay for furniture, clothes and travel.

The welfare reforms transfer responsibility for the Social Fund to unitary and upper-tier local

1 <http://www.communities.gov.uk/documents/localgovernment/pdf/2146581.pdf>

2 <http://www.dwp.gov.uk/docs/universal-credit-chapter2.pdf>

3 [http://www.local.gov.uk/web/guest/local-government-finance-bill/-/journal\\_content/56/10171/3573873/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/local-government-finance-bill/-/journal_content/56/10171/3573873/ARTICLE-TEMPLATE)

authorities in England who will administer a non-ringfenced grant that replaces community care grants and crisis loans. The council could design its own scheme to help the vulnerable based on local need; which could be cash or household goods. Budgeting loans will be replaced by advances of nationally administered benefits, which is similar to the current system. Naturally, the passing of the responsibility for administering the social fund to local government will increase the administrative costs for the council.

### Local Government Funding

Funding to the council will be provided on the following basis:

- a) Council tax support equivalent to 90% of subsidised benefit expenditure
- b) The national amount for distribution based on forecasts of total subsidised council tax benefit expenditure for 2013/14. (At Budget 2012, this was £3,679m which is 12% less than the latest actual figure of council tax benefit paid of £4,190m for 2010/11)
- c) Funding allocations to be part of the Local Government Finance Settlement and distributed through the business rates retention scheme rather than as a separate grant, (except for police).
- d) Shared between areas based on shares of annual subsidised council tax benefit expenditure for 2011/12;

- e) And between the billing (North Lincolnshire Council) and major precepting authorities (Police/Fire) according to shares of council tax for 2012.

There is also a requirement to consult on the proposed council tax support scheme with all interested parties. This is the responsibility of the council to undertake. Consultees include relevant precepting authorities, the voluntary sector, those affected and the general public.

### Neighbouring Councils

The design of a local scheme may take some account of the plans of neighbouring councils; as there may be unintended movement of claimants where neighbouring schemes are more or less generous. Members heard that the possibility of aligning the schemes for North and North East Lincolnshire had been explored as the new shared service will be administering both. However the different claimant profile in the two areas made this unfeasible.

### Selecting a Local Scheme

One of the key issues in designing a local scheme is how to address the 10% (or greater) reduction in government funding. There are a number of options:

- a) Reduce the level of expenditure on council support; or
- b) Offset the cost by making savings elsewhere in the budget; or
- c) Increase council tax; or

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d) A combination of these.

There was a further challenge in that demand is volatile and varies with the economic situation. This risk now passes from government to the council as the government contribution will be fixed; and the risk of cost increases – as well as the benefit of cost reductions. This will have to be managed locally.

In developing a proposed scheme a number of principles have been used based on government guidance:

- a) That eligibility for the Local Council Tax Support Scheme would be the same as for the current Council Tax Benefit (based on income and savings)
- b) That the scheme provides mandatory protection for eligible pensioners
- c) That the council would wish to limit council tax support to the reduced level provided through the business rate retention scheme, as assumed in the financial plan. This would mean a reduction in the level of support for anyone whose current entitlement is not protected
- d) That the scheme provides an incentive to work for working age claimants
- e) That some provision is made to offer financial support on an exceptional basis for those with unavoidable financial difficulties, including the threat of homelessness

The mandatory protection of pensioners, and the optional protection of other vulnerable groups, inevitably means that the reduced support falls more heavily on other claimant groups. The baseline 10% reduction in available funding doubles the reduction for all non-pensioner claimants. For North Lincolnshire, pensioners represent 49% of current claimants and this is likely to increase in number and percentage as the local population ages.

Councils had to take into account the interaction between the new local council tax support scheme and the wider aims of the Welfare Reform Act 2012 and the Universal Credit. This includes giving an incentive to work by ensuring that people can expect to be better off in work than on benefits. It needed to be borne in mind that many existing claimants are in work, in part-time or low wage jobs, while also receiving benefits.

### **The council's (Original) Preferred Scheme**

The proposed scheme in North Lincolnshire was that;

- existing Council Tax Benefit regulations will apply when calculating the level of support which a claimant is entitled
- if the claimant was of Pension Age they will receive the full level of support they are entitled to using the existing regulations
- if the claimant was of Working Age they will receive 77% of the entitlement as calculated using the existing regulations

- entitlement to support will be deducted from Council Tax liability and a bill will be generated for any remaining balance which must be paid by the claimant
- a support fund is put in place to help claimants who will face substantial financial difficulties due to the introduction of the localised Council Tax Support scheme

### Consultation

Although Government's code of practice on consultation states that normally 12 weeks is appropriate where timing is restricted, for example, due to having to meet a fixed timetable such as a budget cycle, there may be good reason for a shorter consultation.

The draft scheme proposed to recover the 10% shortfall in funding by reducing the entitlement of all working age claimants by an estimated 23%. In addition the council invited views on whether to protect other vulnerable groups.

Consultation was carried out between 19 August and 19 October 2012 through a number of channels. This included an on-line questionnaire on the council's website; paper questionnaires at council buildings open to the public; two full day consultation events with council partners and voluntary groups; and publicity through local media. The consultation covered: scheme principles; groups meriting protection; how support in cases of hardship should be provided; and whether that support should be targeted.

Information was provided to Local Taxation and Benefits customers, the general public and all relevant partner agencies, as well as those council staff involved professionally in providing services to relevant groups in the community who would be affected by the proposal. There were 176 consultation responses and feedback from consultation with partners and stakeholders and precepting bodies.

### Response on Scheme Principles

Overall there was a high degree of agreement on the principles of the scheme by respondents to the questionnaire:

- i) Eligibility for the Local Council Tax Support Scheme will be the same as for the current Council Tax Benefit (based on specified income and savings levels) - 79% agreed or strongly agreed
- ii) Council tax support should not be subsidised by reducing services or increasing council tax - 83% agreed or strongly agreed
- iii) The scheme should provide an incentive to work for working age claimants - 80% agreed or strongly agreed
- iv) A support fund is created to offer financial support on an exceptional basis for those who face unavoidable financial difficulties - 74% agreed or strongly agreed.

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### **Response on Support for Other Groups**

Respondents were asked whether other groups within our community should be protected from the financial impact of the local scheme. Of the four groups proposed over 50% agreed protection should be offered to three of the groups:

- Those in low paid work – 73% agreed or strongly agreed
- Those at risk of homelessness – 62% agreed or strongly agreed
- Those with disability benefits – 54% agreed or strongly agreed

And on one group opinion was evenly divided:

- Families with children under 5 – 41% agreed or strongly agreed

### **Response on how additional help should be funded**

When asked how this support should be provided, 68% of respondents agreed that the proposed support fund should be used to provide additional assistance. However a significant majority made clear that support should not be funded by reducing other council services or increasing the council tax for all.

### **Response on whether the support should be targeted**

The council's proposal of a support fund did not prioritise any claimant group. Almost half (48%) agreed it should be open to all. Considering specific groups 64% agreed those at risk of homelessness and 68% those

in low paid work deserved greater attention. Taking into account the feedback from the consultation process, the council may wish to consider whether to target the funding.

### **Stakeholder Consultation Event**

On 21 September 2012, the council held a welfare reform away day which outlined plans for local delivery of the social fund in North Lincolnshire. This was an event for partners who deal with the client groups affected by the reform agenda. It brought together officers from all parts of the council as well as housing associations, North Lincolnshire Homes (NLH), the credit union, DWP, seniors forums and scrutiny panel members. A series of round table discussions generated ideas on welfare issues including the Social Fund. Stakeholders were given the opportunity to provide feedback on how local welfare provision should be managed.

The event allowed the council to learn how partner organisations are dealing with the impact of welfare changes that have already occurred, and how as an organization it could work better together to support claimants now and in the future.

A number of issues were raised by partners and stakeholders at the consultation event on 21 September which the council would wish to consider. In particular the importance of effective communication before the changes happen; support to those who need it in developing money management skills; and gearing up for increased demands on council services and other agencies for advice and support.

In addition, the North Lincolnshire Financial Inclusion Group, which aims to coordinate and deliver help to North Lincolnshire residents who need to access financial support and resources, has provided another forum for stakeholders to consider the matter, including an open meeting in October 2012. Involvement in scheme design was offered to any organisation which wished to take part.

This group is meeting regularly to discuss numerous issues relating to the impact of the Welfare Reform Act.

#### **Additional Government Funding**

On 16 October 2012, Government announced an additional £100m of funding to provide transitional support to local schemes which met defined criteria:

- a) Those who would be on 100% support under current council tax benefit arrangements should pay between zero and no more than 8.5% of their council tax liability;
- b) The taper rate does not increase above 25%; and
- c) There is no sharp reduction in support for those entering work - for claimants currently entitled to less than 100% support, the taper will be applied to an amount at least equal to their maximum eligible award.

A reduction of entitlement of between 0% and 8.5%, but not greater, can be made for all working age claimants if the council wishes to take advantage of the additional funding.

#### **North Lincolnshire Council Tax Support Scheme**

Council, at its meeting on 27 November 2012, agreed to implement the following council tax localised support scheme for 2013-14 -

- Existing Council Tax Benefit regulations will apply when calculating the level of support which a claimant is entitled
- Claimants of Pension Age will receive the full level of support they are entitled to using the existing council tax benefit regulations
- Claimants of Working Age will receive 91.5% of the entitlement as calculated using the existing benefit regulations
- Entitlement to support will be deducted from Council Tax liability and a bill will be generated for any remaining balance which must be paid by the claimant
- There will be a support fund to help claimants who face substantial financial difficulties with housing costs.

Therefore, council agreed to accept the transitional funding from Government which meant claimants would not have to contribute more than 8.5% of their council tax summons (where the council's original scheme had claimants contributing 23% of their council tax summons).

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## Localising Social Fund Delivery In North Lincolnshire

As well as scrutinising the council’s proposed scheme for localising support for council tax, members were acutely aware that the impact of having to pay 8.5% of a households council tax may result in that family encountering financial hardship. Consequently, the panel wanted to ensure that the council would establish a support scheme to assist those families facing financial hardship.

Members heard that the Social Fund was established under the Social Security Act 1986 as part of a wider package of reforms to the social security system – the Fowler reforms. It is currently administered by The Department of Work and Pensions (DWP) through Jobcentre Plus and provides interest-free loans, grants and payments through both a regulated scheme and a cash-limited discretionary scheme.

From April 2013, two elements of the Social Fund will be administered and delivered

locally by the council, these are;

- Crisis loans
- Community Care Grants

Crisis loans are interest-free loans available to anyone who cannot meet their immediate short-term needs in an emergency.

Community Care grants are for benefit recipients only and cover a range of expenses including household equipment. They are primarily awarded to help vulnerable people return to or remain in the community or to ease exceptional pressures on a household.

The new scheme is to be known as Local Welfare Provision.

Settlement letters received in August 2012 show the following allocations for the new local scheme:

	2012/13 £	2013/14 £	2014/15 £
<b>Crisis Loans / Community Care grants</b>		<b>452,585</b>	<b>452,585</b>
<b>Administration grant</b>	<b>4,526</b>	<b>95,635</b>	<b>87,659</b>

The DWP believe that it is difficult and expensive to make robust and fully evidenced discretionary decisions about levels of need and the extent of a crisis without some local knowledge.

Design and delivery of the current scheme

does not identify vulnerable people and refer them on to appropriate services where further additional support is needed. As a result a small but significant number of people are locked into a counterproductive and damaging cycle of increasing debt through repeat applications and awards.

The DWP has concluded that the operation of a highly discretionary scheme through a national agency may not deliver the best use of a limited resource. Primary recipients, in particular for Crisis Loans are aged 18 – 25, but this is not the only group in need; it would appear to be the group which has the best knowledge of the scheme. DWP believes that a locally-delivered service is more likely to generate a more equal spread of applications across the age ranges.

Moving to a more responsive and less rigidly applied system would better focus resource on real need. The current scheme is not integrated into the wider social care agenda, it is reliant on individuals being aware of and applying for funds suggesting that it may not target people in greatest need.

**Should the support provided be repayable?**

Scrutiny Panel members discussed at great length with the Cabinet Member for Policy and Resources and officers from the shared service as to whether or not the support fund should be repayable. Under the current arrangements, Crisis Loan Payments are recovered by deduction from ongoing benefit or by issuing an invoice to non-benefit customers. The average is around £52 per award (approximately 3,000 applications per year). Community Care Grants are not subject to any recovery process, with the average award being £380 (approximately 1,000 applications per year).

Recipients of these funds are individuals either in crisis or at risk of losing their home. As part of the local scheme the council can decide whether to make either or both of these payments non- repayable. In either

payback scenario there is no cost to the Council Tax payer.

The Cabinet Member, in his decision on 8 February 2013, agreed support be provided in the form of a grant which is not repayable.

The perceived benefits of this decision are as follows –

- Removes the risk of the cost of recovery potentially outweighing monies collected.
- The Council would be seen to be using available opportunities to support those in need within the community at a time of increasing financial pressure.

However, the Cabinet Member also identified the following risks associated with this decision, namely that -

- It may encourage more applications as the support is non-repayable.
- There would be no opportunity to recycle resources.

**Criteria for awarding the grant**

The following criteria are suggested:

**Crisis Awards**

Under the current scheme, crisis loans are interest-free loans available to anyone (whether on benefit or not) who cannot meet their immediate short-term need in an emergency or as a consequence of a disaster. According to DWP the vast majority of crisis loans nationally are awarded to people in receipt of Job Seekers Allowance. Within this

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group the largest number of awards were made to customers between 18 and 24 years old (37%).

The Cabinet Member agreed that

- Awards will not be repayable
- Only 2 crisis awards can be made in a 12 month rolling period
- On the application for a second award, a visit / interview will be held with the applicant
- Awards are limited to no more than 60% of the daily Job Seekers Allowance rate (if a family applies the 60% rate still applies but of additional benefits) and will be paid on a daily rate
- Awards are only to cover living expenses following a disaster or emergency (lost or spent money will not be covered)
- Applicants can be either in work or on benefits
- Awards will be made by same day bank transfer, or if the customer has no bank account a transfer through the Post Office will be used and the customer will be supported to open a bank account

N.B However as part of the review of policy implementation, it became apparent that same day bank transfer has proved unfeasible using the current software. An alternative arrangement using Paypoint outlets is in place.

- If the payback option is chosen, then unless a crisis award is repaid then no further awards will be made.

### Community Care Grants

Under the current scheme, Community Care Grants are currently non-repayable grants awarded for a range of expenses including household equipment. They are primarily intended to support vulnerable people to return to or to remain in the community or to ease exceptional pressure on families. The majority of awards are made to families under exceptional pressure. The second largest proportion of Community Care Grant expenditure, 29 per cent, was awarded to help people to remain in the community.

The Cabinet Member agreed that -

- Awards will not be repayable
- The award covers a range of expenses to assist the individual or household to meet the exceptional pressures they face or to remain in the community
- If feasible this would be a cash free transaction with the opportunity to purchase goods required locally through a voucher system with local suppliers
- If the payback option is chosen, then unless an award is repaid then no further awards will be made.

### **Income Recovery**

Collection of council tax from households that experience a reduction in council tax support is likely to be difficult, as it will result in a greater number liable to pay council tax, with collection required from a range of taxpayers on low incomes. This is a particular risk for households currently receiving the full amount of council tax benefit that are now asked to pay an amount of council tax under the new scheme.

The panel heard that other authorities are making an assumption of a non-collection rate of 35% for this group of claimants. This compares with a current overall collection rate of around 99%. The validity of this assumption is difficult to verify as local council tax support schemes have not been tried before. However difficulties experienced with the community charge in the early 1990s suggests it would be dangerous to ignore the potential scale of the problem. Any such losses from non-collection are charged against the Collection Fund balance, and are a cost to billing and major precepting authorities.

An 8.5% loss on collection equates to around £0.2m in North Lincolnshire.

Current collection rates for the council tax in North Lincolnshire are excellent. The Department for Communities and Local Government publishes national collection figures annually and North Lincolnshire has for the last few years been a top quartile authority with little arrears outstanding.

Members were guided through the “income recovery journey” currently in place by the council. In addition, members were made aware of how the council is proactively engaging with those residents who have to pay council tax for the first time.

Future monitoring of those residents not paying council tax is essential. Recovery profiling so that those who ‘won’t pay’ as well as ‘can’t pay’ are easily identifiable is crucial.

### **Financial Planning Training**

Members were delighted to hear that the council's Financial Inclusion Group was proactively leading the training of officers, both council and external, on all aspects of localised support for council tax scheme.

The Group, in partnership with North Lincolnshire Homes, was facilitating ‘Train the Trainer’ events. These were sessions whereby training would be provided to those frontline partners who would come in to direct contact with households who were affected by the new policy. The aim was then that once trained, those partners could then train their own staff so that as many officers as possible were fluent in what advice to provide to homeowners.

In addition the Group, in association with the Citizens Advice Bureau, was offering a two hour training package to householders on identifying priority debts. This was an education session devised to make the homeowner aware of what was a priority payment, and more importantly what was a luxury item.

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Both training packages are currently open to all members of the Financial Inclusion Group. However, it is envisaged that non members of the Group will also be invited to nominate employees they wished to be trained. The hope was that this would allow all parts of North Lincolnshire to be covered.

## CONCLUSION

The Government is placing more responsibility onto local authorities, families and individuals for setting their own priorities and ensuring they can support themselves as providers or users of services. Whilst the immediate impact on the council and its residents is the reduction in personal, family and council income, the reforms will potentially have a wide ranging impact on all aspects of local authority work: as service and information providers; partners with the voluntary and community sectors; influencers of social and private landlords and their relationship with residents as their role evolves with new responsibilities. The Department for Work and Pensions plans to work closely with local authorities to manage the transition process between now and 2017, but it is unclear whether extra funding will be made available from central Government to assist in this process.

The panel is reassured that the proposals for a local scheme have undergone extensive consultation with residents and local and voluntary groups.

The panel is also encouraged to hear that the council is proactively seeking to inform and educate those individuals who may be facing financial hardship as a result of the Welfare Reform changes.

Only time will tell the impact this new legislation has on North Lincolnshire residents. However, the Scrutiny Panel will continue to implement its 'critical friend' role to ensure that the impact of the Welfare Reform legislation is kept to a minimum.

# APPENDIX 1

## **Membership of the Corporate Scrutiny Panel.**

Councillor - D Robinson (chairman)  
S Wilson (vice-chair)  
J England  
I Jawaid MBE  
J Wardle

The panel conducted a number of evidence gathering sessions, speaking to a range of key officers from the council and its partners.

The panel would like to thank them for their valued input and attendance. They also received and considered a range of written evidence, including local and national research, guidance and legislation.

## APPENDIX 2

Stakeholders interviewed as part of the review -

- Mike Wedgewood – Director of Policy and Resources, North Lincolnshire Council
- Peter Fijalkowski - Assistant Director Financial Services, North Lincolnshire Council
- Jo Robinson - Local Taxation and Benefits Shared Service Manager for North and North East Lincolnshire Council
- Councillor Poole – Cabinet Member for Policy and Resources, North Lincolnshire Council
- Richard Catlyn – Strategic Lead for Revenues, North and North East Lincolnshire Councils
- Cindy Laherty – Strategic Lead for Benefits, North and North East Lincolnshire Councils

