

## POLICY SCRUTINY COMMITTEE

**Tuesday, 9 October 2018**

**6.00 pm**

**Committee Room 1, City Hall**

Membership: Councillors Chris Burke (Chair), Bill Bilton (Vice-Chair), Andy Kerry, Ralph Toofany, Pat Vaughan, Christopher Reid and Laura McWilliams

Substitute member(s): Councillors Gary Hewson and Kathleen Brothwell

Officers attending: Democratic Services, Legal Services, Becky Scott, Daren Turner, Kate Ellis, Francesca Bell, Pat Jukes and Simon Walters

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### A G E N D A

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**Present:** Councillor Chris Burke (*in the Chair*),  
Councillor Bill Bilton, Councillor Ralph Toofany, Councillor  
Pat Vaughan, Councillor Christopher Reid, Councillor  
Thomas Dyer and Councillor Bob Bushell

**Apologies for Absence:** Councillor Andy Kerry

**1. Confirmation of Minutes - 20 March 2018**

RESOLVED that the minutes of the meeting held on 20 March 2018 be confirmed.

**2. Declarations of Interest**

No declarations of interest were received.

**3. Fair Trade Policy**

Heather Grover, Principal Policy Officer,

- a. presented the City of Lincoln Council Fairtrade Policy and Fairtrade Audit for information and comment.
- b. gave an overview of the background to the policy advising that a refresh was scheduled to take place in advance of the next Fairtrade City Status renewal in July 2018.
- c. advised that during April 2018 officers completed a desktop review of the policy and concluded that it remained accurate and reflective of the Fairtrade activities that the Council was currently undertaking and planned to undertake during the next 2 years. Therefore no amendments were made to the policy.
- d. referred to appendix b of the report and advised that the Council was required to undertake an internal audit of the Fairtrade products purchased and used by the City of Lincoln Council and its tenants.
- e. advised that the next audit would be undertaken ahead of the next Fairtrade accreditation renewal and in line with the next refresh of the Fairtrade Policy in 2020.

RESOLVED that the Fairtrade Policy and Audit be noted.

**4. People Strategy**

Claire Burroughs, HR and Work Based Learning Manager

- a. presented an update on the implementation of the People Strategy and action plan.

- b. gave an overview of the background to the report and advised that it was developed to support the delivery of the Councils Vision 2020 and the transformational journey to a “performance culture”
- c. referred to paragraph 4 of the report and highlighted the key achievements in relation to the following:
  - Appraisals and Staff Survey
  - Health and Wellbeing Strategy
  - Your Health Matters section on City People
  - Awarded the “Mindful Employer Status”
  - The Sickness Absence and Managing Stress Policies have been reviewed and updated.
  - Global Corporate Challenge
  - Staff Recognition Scheme and staff awards ceremony
  - Staff engagement activities were being developed
  - Staff engagement strategy, action plan and staff charter was being developed
- d. invited members questions and comments

**Question –** Did the staff survey responses concur with the feedback from the appraisals?

**Response –** The response rate from the staff survey had been disappointing, there were some positives highlighted and also some areas to improve on. The survey feedback could be circulated to members for information.

**Question –** Did the 86% of the appraisals completed include sickness levels?

**Response –** No it did not include sickness or maternity leave. The evidence suggested that 86% of appraisals completed was a good achievement for a new system.

**Question –** What affect had the policy had on long term sickness levels.

**Response –** It was too early to tell, stress had been the cause of the highest level of stress in the Authority, there were a number of actions that were being completed, it was hoped that these would have a positive impact.

RESOLVED that the actions to date in relation to the People Strategy be noted.

## 5. Customer Experience Strategy Report

Jo Crookes, Customer Services Manager

- a. presented an update on the progress and successes of the Customer Experience Strategy and the underlying Action Plan including key achievements to date.
- b. advised that the strategy reflected the core values and sought to deliver outcomes across six key strategic areas, three of which focussed on improvements to the overall customer journey and three of which focussed on transformational change and organisational efficiencies.
- c. referred to paragraph 4 of the report and highlighted the projects that had been delivered and the outcomes that had been achieved in the first year.
- d. highlighted the projects that were currently being worked on as detailed at paragraph 5 of the report.

- e. outlined the future projects which would be tackled in the next financial year as detailed at paragraph 6 of the report.
- f. invited members questions and comments

**Question:** What would happen if the computer systems went down?

**Response:** There was a business continuity plan in place.

**Question:** How could the e-billing service take up be improved?

**Response:** A campaign would be held and an article placed in Your Lincoln to encourage as many people as possible to use e-billing.

**Comment:** Sometimes there was an issue with switchboard ringing out.

**Response:** This was a fault with the current system, the new telephone systems would correct the issue.

RESOLVED that the content of the report be noted.

## **6. Joint Municipal Waste Management Strategy for Lincolnshire**

The Chairman welcomed Lincolnshire County Councillor Eddie Poll, Chairman of the Joint Municipal Waste Partnership, Matthew Mitchell from Lincolnshire County Council and Councillor Faye Smith Portfolio Holder for Remarkable Place to the meeting.

Steve Bird, Assistant Director Communities and Street Scene introduced the draft Joint Municipal Waste Management Strategy (JMWMS) document to provide members with an opportunity to comment so that Councillor Smith Portfolio Holder could take account of committee's view in drafting the response on behalf of the City Council.

Matthew Michell on behalf of the Lincolnshire Waste Partnership gave a power point presentation highlighting the following main points:

- a. the draft strategy set out how the eight local authorities in Lincolnshire and the Environment Agency would be working in partnership to deliver sustainable waste management services and deliver best value for money.
- b. the key strategic drivers were:
  - Increase in waste growth
  - Waste going in the wrong bin
  - EU Circular Economy Package
  - Brexit
  - 25 Year Environment Plan
  - Defra Resources and Waste Strategy
  - Chinese Recycling Market
- c. the vision of the JMWMS was:
  - "To seek the best environmental option to provide innovative, customer-friendly waste management solutions that give value for money to Lincolnshire"
- d. the 10 key objectives of the JMWMS were:

1. To improve the quality and therefore commercial value of our recycling stream.
2. To consider moving towards a common set of recycling materials.
3. To consider the introduction of separate food waste collections.
4. To explore new opportunities of using all waste as a resource in accordance with the waste hierarchy.
5. To contribute to the UK recycling target of 50% by 2020.
6. To find the most appropriate ways to measure our environmental
7. To seek to reduce our carbon footprint.
8. To make an objective assessment of whether further residual waste recovery/disposal capacity is required and, if necessary, seek to secure appropriate capacity.
9. To regularly review the LWP governance model in order to provide the best opportunity to bring closer integration and the implementation of the objectives set by the strategy.
10. To consider appropriate innovative solutions in the delivery of our waste management services.

e. the draft strategy also included:

- key legislation
- an assessment of current services
- themes for actions to achieve
- the objectives
- what happened beyond the adoption of the strategy.

f. the draft strategy was currently out for consultation with:

- elected Members
- the wider public
- parish councils
- businesses
- neighbouring authorities.

f. early consultation responses had been received with common themes being identified:

- Researching alternative countries recycling effort.
- Balancing economic and environmental benefits
- Simplifying recycling to make it easier
- Public needed better guidelines on what to recycle

g. the draft strategy would be revised following feedback from the consultation process and this would then be considered for approval and adoption by each of the eight authorities the target timeframe was by the end of 2018.

h. beyond the strategy an action plan would be in place which would be reviewed annually.

The presentation was debated and the following issues were raised:

- Members were broadly supportive of the draft Strategy.
- Members felt that communication was key to promote what could be included in bins for recycling and suggested that information could be sent out with Council Tax bills, social media and Your Lincoln
- Members felt that it was important to simplify the current recycling system and if possible all of the local authorities have the same system.
- Members raised issues on fly tipping in the City and commented that enforcement needed to be increased.
- Members commented on the waste disposal centres and the difficulty for people in full time work to use them. They suggested that the service could be improved by amending the opening times which would encourage more people to use them.
- Members commented that it was important that the consultation was as wide as possible to ensure it captured everyone's views and suggested that social media be used to promote the consultation.
- Members suggested that recycling should be promoted at the University on a regular basis as it was a large demographic and there was a lot of movement in the attendees at the University.
- Members supported the food waste proposals and the increased energy production as a result.
- Members supported the South Kesteven District Council pilot scheme for bio-methane, which was producing energy.
- Members recognised the need for significant changes to the current position and that officers needed to be supported to implement any change in due course
- Members supported the plastic straw campaign

Councillor Poll, Councillor Smith and Matthew Mitchell were thanked for the presentation and their time spent debating the topic.

RESOLVED that the draft response at appendix b of the report be supported and the comments made above be considered for inclusion.

## **7. Review of Mutual Exchange Policy**

Yvonne Fox, Assistant Director of Housing,

- a. presented a report to update Policy Scrutiny Committee with information relating to Mutual Exchange applications during 2017/2018.
- b. advised that in 2017 the Mutual Exchange Policy was amended to ensure that it complied with the provisions of the Housing Act 1985.
- c. advised on the grounds for refusal of a mutual exchange request as detailed at paragraph 3 of the report.
- d. highlighted the conditions that must be complied with before a mutual exchange could take place as detailed at paragraph 4 of the report.
- e. advised that throughout the last financial year, 61 applications were received for mutual exchanges. 5 of those were later withdrawn by one or both parties, 6 were currently being processed and of the remaining applications 3 had been refused.

RESOLVED that the outcomes of the Mutual Exchange Policy 2017/18 be noted.

## 8. **Business Rates Growth Policy**

Martin Walmsley, Head of Shared Revenues and Benefits

- a. presented the draft City of Lincoln Business Rates Growth Policy for comment.
- b. advised that the policy aimed to provide a time limited rate relief discount to new and extended business premises within the City, in the interest of building the Business Rates base, supporting economic growth and job creation.
- c. advised that eligibility for the proposed scheme would depend on the extent of the business premises, creation or extension, location and the impact of the new business or expansion plan would have on the local authority.
- d. referred to paragraph 3 of the report and advised on the background to the report advising that North Kesteven District Council and West Lindsey District Council had also approved a Business Rates Growth Policy.
- e. summarised the proposed eligibility criteria for the rate relief as detailed at paragraph 4.1 of report.
- f. advised that for growth businesses an initial 'audit of suitability' would be undertaken before any formal invitation to apply for relief was issued to the business.
- g. advised that applications would be scored by an Officer board and gave an overview of the scoring criteria as detailed at paragraph 4.6 of the report.
- h. invited members questions and comments.

**Comment:** Members supported the principles and initiatives of the scheme and suggested that a commitment to the social responsibility charter and the living wage be included within the eligibility criteria.

**Response:** It would be difficult to make the living wage a mandatory requirement and suggested that a commitment towards signing up to the Social Responsibility Charter as oppose to it being mandatory be included within the eligibility criteria.

**Question:** Did any other areas have a similar scheme in place and how would this attract businesses to the City.

**Response:** There were similar schemes in other areas, it would not be the tipping point for attracting businesses to the city but would be part of a package.

**Question:** Referred to the eligibility criteria number 3 and asked how would small and medium size businesses meet the criteria if they only employed 1 or 2 people?

**Response:** The expected growth in jobs would be worked out as percentage to ensure it was fair across all sized businesses.

RESOLVED that



1. the draft Business Rates Growth Policy be supported.
2. the following addition to the Business Rates Growth Policy eligibility criteria be considered.
  - i. A commitment towards signing up to the Social Responsibility Charter.

**9. Review of Fraud and Sanction Policy**

Martin Walmsley, Head of Shared Revenues and Benefits

- a. presented a small number of amendments to the Fraud Sanction Policy in respect of the shared Revenues and Benefits service between City of Lincoln Council and North Kesteven District Council.
- b. gave an overview of the background to the report as detailed at paragraph 2 and advised that the final revised policy would be considered by Executive on 23<sup>rd</sup> July 2018.
- c. referred to Appendix 1 of the report and highlighted the proposed amendments to the Fraud Sanction Policy.

RESOLVED that the amendments to the Fraud Sanctions Policy be supported.

**10. Policy Scrutiny Work Programme 2018-19 and Executive Work Programme Update**

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 2018-19 and Executive Work Programme Update'.
- b. presented the Executive Work Programme June 2018 – May 2019.
- c. requested councillors to submit what items they wished to scrutinise from the Executive Work Programme and policies of interest.
- d. invited members questions and comments.

Members made no further comments or suggestions regarding the Policy Scrutiny work programme.

RESOLVED that:

1. the work Policy Scrutiny work programme be noted.
2. the Executive work programme be noted.

**11. Health Scrutiny Update**

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meeting held on 16 May 2018, these were:

- Children and Young Persons Service at United Lincolnshire Hospital NHS Trust – Risk to the Safety of the Service
- Patient Access to Primary Care- Lincoln Area
- Winter Resilience Review 2017/18

RESOLVED that the report be noted.

**Present:** Councillor Chris Burke (*in the Chair*),  
Councillor Bill Bilton, Councillor Kathleen Brothwell,  
Councillor Andy Kerry, Councillor Ralph Toofany and  
Councillor Pat Vaughan

**Apologies for Absence:** Councillor Christopher Reid and Councillor  
Laura McWilliams

**12. Declarations of Interest**

No declarations of interest were received.

**13. Modern Slavery Statement and Charter**

The Public Protection, Anti-Social Behaviour and Licensing Service Manager:

- a) Presented a report which informed the Policy Scrutiny Committee of the Council's roles and responsibilities relating to modern slavery;
- b) Informed the Committee of the requirement for the Council to have a Modern Slavery Statement in place and presented the City of Lincoln Council's proposed statement, as set out in Appendix A of the report.
- c) Presented the Committee with the Charter Against Modern Slavery, as set out in Appendix B of the report, and took members through the ten commitments for local authorities to attain.
- d) Invited members' questions and comments.

A question was raised as to what would happen to any victims of modern slavery should any instances be reported or highlighted by the Council, either through officers or members. It was noted that this would depend upon the individual circumstances of the case, but Lincolnshire Police's Understanding and Safeguarding Emerging Communities team would be involved, together with Social Services, as such victims were often vulnerable. The City Council may become involved should consideration need to be given to re-housing, for example.

Regarding sub-contractors, a question was raised as to how the wages they paid their employees was monitored further to point 3 of the Charter which sought to challenge any abnormally low-cost tenders to ensure they did not rely upon the potential contractor practising modern slavery. It was noted that the Council's procurement processes had a number of checks in place to address this matter.

RESOLVED that the adoption of the Modern Slavery Statement and Charter Against Modern Slavery be supported and recommended to the Executive for approval.

#### **14. Review of Mandatory Houses in Multiple Occupation Licensing Scheme**

The Private Housing Team Leader:

- a) Presented a report which reviewed the Council's scheme for the mandatory licensing of Houses in Multiple Occupation.
- b) Reported that new legislation came into force on 1 October 2018 which extended the criteria for the types of Houses in Multiple Occupation that would need a licence and imposed minimum room sizes and new mandatory conditions to be applied to all licences.
- c) Reported that the adoption of amenity and space standards for the district clarified the Council's expectations for the standard of shared housing in Lincoln, helping landlords to know what they needed to provide and supporting officers to respond to challenge.
- d) Reported that it was estimated that the number of Houses in Multiple Occupation requiring a licence as a result of the new requirements would increase from 300 to 900 properties.
- e) Presented the Council's revised Mandatory Licensing of Houses in Multiple Occupation as set out in Appendix A of the report, effective from 1 October 2018, and highlighted the following key changes:
  - a number of definitions within the licence had changed, which were clarified in appendices attached to the scheme;
  - a new Houses in Multiple Occupation online portal was in the process of being configured which would enable applications for licences to be submitted electronically. The scheme had therefore been amended to reflect this;
  - the licence fee had been updated to reflect changes to the Trusted Landlord Scheme;
  - the variation fee included in Appendix 5 would be removed from the scheme. This was in response to case law which had been published subsequent to the writing and publication of the report for this meeting;
  - in terms of renewals, legislation prescribed and restricted what documents the Council could require applicants to submit for an application to be valid. The revised scheme specified these requirements;
  - the revised scheme defined 'appropriate people' to hold a licence, in that they needed to prove that they had the necessary financial resources and had authority to act in respect of any property associated with the application;
  - a number of amendments to Appendix 10 in relation to satisfactory management arrangements. This outlined what the Council expected of landlords, with high-profile prosecutions having already being executed regarding landlords, ensuring that the Council continued to be robust through its processes and ensuring that they were complied with. Evidence could also be collated electronically as part of the online portal to assist with this;

- adopted standards had been incorporated into the scheme to reflect new minimum requirements, but this also included guidance from a discretionary perspective in addition to those that were mandatory. Lincoln had a large number of Houses in Multiple Occupancy so it was important to push standards, with these revisions set out in Appendices 11 and 12 relevant to all Houses in Multiple Occupancy in the city, which were consistent with neighbouring areas;
  - further clarity was provided in relation to fire safety and fire doors in particular;
  - further clarity was provided in respect of conditions associated with smoke alarms and carbon monoxide alarms;
  - further clarity was provided regarding the requirement of landlords to ensure compliance with the Council's waste disposal scheme, particularly in relation to bins being left on streets after they had been emptied which was consistently the subject of a number of complaints;
  - in terms of inspections, the same procedure under the Trusted Landlord Scheme would be followed. Where a landlord had already been accredited they would be passported without the need for an initial inspection, although they would still be inspected during the length of the licence. The system used to process applications had a risk assessment element associated with it which would indicate where inspections were required dependent on what was included as part of an application. Taking into account the estimated 900 properties that needed to be inspected upon being granted licences, this would assist in prioritising those initial inspections;
  - the inclusion of provision in Appendix 16 of the scheme to limit the length of a licence between one and three years for those landlords where problems had been experienced previously.
- f) Highlighted that the proposed new scheme not only implemented the legislative changes but also made best use of the Council's discretionary powers to set good standards of amenities and room sizes and use licence conditions to uphold good property management practices. This reflected the Council's Vision 2020 priorities to improve the standard of private sector housing in the city and tackle rogue landlords.
- g) Invited members' questions and comments.

The Chair made reference to the Council's recent landmark £400,000 fine which he said would hopefully act as a significant deterrent to other rogue landlords in the city.

Members were pleased to see the introduction of minimum standards, particularly in relation to room sizes for bedrooms and communal living space such as kitchens.

In response to a question regarding the number of landlords currently signed up to the Trusted Landlord Scheme, it was noted that 20 landlords had signed up which equated to approximately 200 properties.

A comment was made that standards for fire doors should be applicable and adhered to in any case, outside of the requirements of a Houses in Multiple Occupancy licence. It was noted that landlords were unable to identify the requirements of fire door standards in layman's terms, so it was sometimes difficult to ensure that the necessary doors were put in place for properties they owned or managed. The revised scheme assisted with this and made it more clear as to what standards would be acceptable in respect of fire doors.

Discussion ensued in respect of portable electrical appliances and safety checks. It was noted that a declaration from the landlord stating that they were safe was sufficient and that they did not require an electrician's certificate. Fixed electrical wiring installations were required to be tested by a qualified electrician within a five year period. The Chair asked whether some investigatory work could take place to see whether there were more occurrences of fires at properties where portable electrical appliances had not had Portable Appliance Tests undertaken.

A member queried the term 'fit and proper' as outlined in the Scheme, which related to an applicant who may not be considered as appropriate to be granted with a licence should they have a history of certain criminal offences or sentences for example. This was defined in the legislation so the term 'fit and proper' needed to be reflected in the scheme. In the event that someone applied for a licence in their capacity as an agent on behalf of a property owner who had been judged not to be 'fit and proper', conditions could be put in place to specify that the property owner could not have any involvement in the management of that property as a House in Multiple Occupancy.

Members discussed the term of the licence, which could be up to five years, and the associated inspection programme for properties taking into account the estimated 900 properties that would now require a licence. A question was asked as to whether officers had any doubts as to the scheme and maintaining standards in view of this. The Team Leader confirmed that every property would be inspected during the term of its licence. Recommendations and conditions would be put in place following any inspection which would be followed up to ensure that the necessary actions had been taken. Initial inspections would be undertaken on a priority basis assessed on the content of applications, with other inspections programmed during the term of the licence. In addition, adhoc inspections would take place should complaints be received from tenants.

A question was raised regarding the five year term of the licence and whether this could be reduced to three years. It was noted that there would need to be justification to limit the term of a licence, especially given that there was a licence fee payable by applicants every time they applied. The Council in its consideration of the application need to ensure that it was being proportionate and reasonable.

RESOLVED that the proposed City of Lincoln scheme for Mandatory Licensing of Homes in Multiple Occupation be supported and recommended to the Executive for approval, subject to removal of reference to the variation fee from the scheme and Appendix 5.

<b>SUBJECT:</b>	<b>PROPOSED COMMEMORATIVE PLAQUES SCHEME FOR LINCOLN</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>HEATHER GROVER, PRINCIPAL POLICY OFFICER</b> <b>PAT JUKES, BUSINESS MANAGER, CORPORATE POLICY</b>

## **1. Purpose of Report**

- 1.1 To submit proposals for a Commemorative Plaques Scheme for Lincoln.

## **2. Executive Summary**

- 2.1 Expression of interest in erecting a plaque in Park Ward led to a request to consider the introduction of a city wide commemorative plaques scheme. This report provides details of how a scheme might operate and resource implications.
- 2.2 Outside of the blue plaque scheme in London there are few schemes currently in operation across the country, a few being operated by district councils (see Appendix A for details).
- 2.3 There are a small number of commemorative plaques already in place at various locations across the city, erected under previous schemes operated by CoLC and Lincoln Civic Trust (see Appendix B). These schemes have now lapsed and no guidance or criteria exist.
- 2.4 Appendix C provides draft guidelines and criteria for a new Lincoln scheme, based on schemes operated by other councils.
- 2.5 The scheme would be operated by Development Management within existing staff resources. However, it should be noted that it is proposed the new scheme should be partly funded by City of Lincoln Council (producing and installing the plaque) for which a reserve budget of £2k initially will be identified through Finances.
- 2.6 Appendix D provides details of information to be requested of proposers through an online form.
- 2.7 If approved consideration will need to be given to the date of the first annual consideration of plaques as well as detailed plaque design.

## **3. Background**

- 3.1 Expression of interest in erecting a plaque in Park Ward led to a request to consider the introduction of a city wide commemorative plaques scheme. This report provides details of how a scheme might operate and resource implications.

3.2 Outside of the blue plaque scheme in London there are few schemes currently in operation and the majority of live schemes are operated by heritage organisations (e.g. heritage forums and civic trusts). However, a few are operated by local authorities and all follow similar lines. Appendix A provides a summary of a range of local authority running schemes, together with some feedback received from Salford Council and Hinckley and Bosworth Borough Council.

3.3 Existing plaques

There are a small number of commemorative plaques already in place at various locations across the city, erected under previous schemes operated by CoLC and Lincoln Civic Trust (see Appendix B). These schemes have now lapsed and no guidance or criteria exist.

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

4.1 Draft guidelines

Appendix C provides draft guidelines and criteria for a new Lincoln scheme, based on schemes operated by other councils and the London Blue Plaques Scheme. This guidance assumes City of Lincoln Council will fund production and installation of the plaque, with the plaque proposer bearing any other costs.

4.2 The other costs could include researching and obtaining evidence, consents as set out in the guidance and any other expenditure not associated with the physical production and installation of the plaque. Ongoing maintenance of plaques will be the responsibility of City of Lincoln Council, although this is expected to be negligible.

4.3 Time elapsed after death or an event varies from scheme to scheme, and timescales proposed are the most commonly seen in other schemes. If different timescales are preferred this would have no significant impact on costs, but may mean significant people or events could be commemorated at an earlier date.

4.4 Approval process for plaques

It is proposed that applications are first considered by the Historic Environment Advisory Panel (HEAP) to gain comment on the significance of the nominated individual or event. The Development Manager and Conservation Officer would then make a recommendation to Executive on whether or not the plaque should be approved in principle, taking into account the impact on the building as well as comments provided by HEAP and the overall appropriateness.

4.5 Nominations would be invited for annual consideration, with no more than three plaques being approved in any one financial year. The launch date will be agreed once the scheme has gone through the approval process, with first plaques anticipated to be approved in early 2019. This would ensure the scheme could be operated within existing staff resources, and that costs are within the budget allocated for provision and installation of the plaques.

4.6 Permissions

Listed Building Consent may be required, and in a very small number of cases there may be other planning restrictions which prevent an individual erecting a plaque on their own building. Proposers should have an initial discussion with the



Conservation Officer to ensure they are aware of likely requirements, but will not be required to submit applications for permission until such time as the principle of a plaque has been agreed.

- 4.7 Proposers will be responsible for gaining the written consent of the owner of the building on which the plaque is requested to be installed, and any other parties with a relevant legal interest in the site.

4.8 Application process

Nominees will need to complete an online application form. It should be noted that sufficient time will need to be allowed from the opening of the scheme to deadline for receipt of applications to enable applicants to undertake the necessary research and evidence gathering. A hard copy version of the proposed form content is attached at Appendix D.

4.9 Costs

There is no existing budget for commemorative plaques and therefore a new budget would be required. Discussions have taken place with the Development Manager and the scheme as outlined in this report could be operated without any additional staff resource, but there is no existing budget to fund plaque purchase and installation. Plaques would cost between £300 and £500 each with a possible additional one off charge for artwork dependent on plaque design, as well as installation costs. An operational reserve budget of £2k would therefore be required to start the policy off, this would be reviewed annually by Finance.

4.10 Other

Should the scheme be agreed and implemented, consideration should be given to linking appropriate accepted plaques to the relevant Lincoln Heritage Trail. There are currently six trails in operation – the Jewish Trail; the Aviation Trail; the Roman Trail; the 1217 Battle of Lincoln Trail, the Brayford Architecture Trail and the Boole Trail.

In addition local visitor information should be updated – e.g, through Visit Lincoln, updating the The Arches/Arcade site.

## **5. Strategic Priorities**

5.1 Let's enhance our remarkable place

This initiative contributes to enhancing our remarkable place through commemorating people or buildings which have made a positive contribution to the city.

## **6. Organisational Impacts**

6.1 Finance (including whole life costs where applicable)

A budget of £2k will need to be identified to support the scheme before it can go ahead. CMT has suggested a one off reserve be created initially and then reviewed annually.

6.2 Legal Implications including Procurement Rules

A legal agreement will be required between the council and building owners to ensure owners have given their permission for a plaque to be affixed to their

property and for the council to undertake any maintenance or repair should it be required in the future. This will need to include provision on the sale of the property for this to continue.

**6.3 Land, property and accommodation**

It is possible that a request could be made to affix a plaque on a City of Lincoln Council owned property and if so this will require consultation with and the approval of the Strategic Property Manager.

**6.4 Human Resources**

There are no HR implications as it is agreed the scheme as outlined would not require any additional staff resource.

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

Plaques will be approved for the historical significance and public profile of the person or building regardless of any protected characteristic.

**7. Risk Implications**

7.1 (i) Other options explored have included an unfunded scheme and fully funded scheme. An unfunded scheme would reduce the incentive to take part in a co-ordinated scheme as individuals could simply put up their own plaque. A fully funded scheme, whereby we undertake all of the background research and evidence gathering could require significant additional staff resource.

7.2 (ii) Risks associated with the proposed option are that there could be an over subscription to the scheme, meaning worthy plaques are not able to be put up for some time. Also in restricting number of plaques will reduce the impact of the scheme. Alternatively there could be no applications to the scheme.

(iii) Consideration has been given to requiring maintenance and insurance to be the responsibility of the building owner. However, it may be difficult to enforce any agreement of this nature, and would be much simpler and straightforward for the council to retain responsibility in respect of maintenance and insurance. Enquiries of other schemes has shown the risk for any action beyond initial installation is extremely low.

**8. Recommendation**

8.1 Policy Scrutiny to consider the proposal to adopt a commemorative plaques scheme and comment on the guidelines (Appendix C) and approval process as set out in paragraph 4.4.

8.2 Policy Scrutiny to make recommendations to Exec on the scheme as set out in the attached appendices - for approval of the scheme prior to submitting to HEAP for information.

**Is this a key decision?** No

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

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

No

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

**List of Background Papers:**

None

**Lead Officer:**

Pat Jukes, Business Manager Policy Unit  
Telephone (01522) 873657

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## Local authority commemorative plaque schemes

## APPENDIX A

Name of erecting body	What is commemorated	Where plaques can be erected	Time since death/event	Criteria	Funding	Comments
Borough of Poole (Museums & Arts Manager) with Poole Heritage Forum	People Events	Original building where the person lived or event took place	20 years	Born/lived/worked in Poole for at least 5 years Instantly recognisable to passer by Visible to passers by Requires unambiguous documentary evidence	Proposer	Promoted by Poole Heritage Forum Guidance suggests sources of funding and suggest plaque could cost between £500 and £5000
Dudley MBC (Director of Urban Environment)	People Events	Original where person lived or worked	15 years	Must have written consent from owner of property and confirmation of future ownership	Proposers (council responsible for assessing costs and carrying out installation work but not costs themselves)	
South Tyneside Council	People Building	Existing original building where born, lived or worked or discovery made	Not stated		Council?	
Hinckley & Bosworth DC (Conservation Officer)	People Events		20 years or born > 100 years ago	Accessible and visible to public Two independent sources of evidence Person must be famous or want to raise profile	Publicly funded with no sponsorship	
Manchester City Council (Manchester Art Gallery)	People Events		10 years (people) 25 years (event)	Person commemorated should have been eminent and sufficiently famous for his or her name to be familiar to a succeeding generation	Proposer	Not normally installed on hotels or public venues (e.g. concert hall)
Salford City Council	People Events	Building which is directly and significantly related to the proposed person or event	10 years (people) 25 years (event)	Sufficiently famous to be familiar to succeeding generation or regarded as sufficiently significant within their field	Proposer (but costed & installed by Urban Vision (public/ private partnership	Not normally installed on hotels or public venues (e.g. concert hall) Once installed, ownership rests with owner of the building, who will also be responsible for maintenance

## **Feedback received from individual councils**

### **Salford Council**

*1. Who funds your scheme and how much does the average plaque cost including installation?*

Nominee (the scheme is only available to those wishing to fund it)

*2. What do you commemorate, and how many of each have you received nominations for and commemorated over the past year?*

People and events (buildings are only really commemorated in connection to a person) Consent for erection of plaques on buildings must be obtained by the nominee. There have been six applications with three approved since April 2016.

*3. Have you had any problems with the number of years you require to have elapsed before a commemorative plaque is erected?*

None to date

*4. Who assesses nominations?*

Specially established panel of officers and external representatives (We have representatives from the Council, Salford Community Leisure and external societies, such as the Salford local history society)

*5. Do you require nominees to submit evidence, and if so what do you require and in what format?*

Evidence of the person living in property/event taking place and evidence that person/event was significant. This is then checked by the panel before a decision is made.

### **Hinckley & Bosworth Borough Council**

*1. Who funds your scheme and how much does the average plaque cost including installation?*

Scheme wholly funded by the Borough Council through an annual Environmental Improvement Programme (EIP) budget of £35,000, to be used on conservation and heritage work. The plaques are cast aluminium and cost around £250 including installation.

*2. What do you commemorate, and how many of each have you received nominations for and commemorated over the past year?*

People: an academic or famous person recognised by their profession for outstanding achievement, a famous person who is known by the man on the street, a famous inventor/manufacturer, a less well known person but plaque awarded to raise their public profile. Although some flexibility is allowed, the nominee should have been born over 100 years ago or have died over 20 years ago. The proposed location of the plaque should be accessible or visible to the public. The connection of the location with the person must be substantiated by two independent sources.

There is some mild deviation from this criteria at times but it does form the basis of deciding if the nomination is appropriate or not. Our plaques so far have mostly related to people rather than events and buildings. The process is that a call for projects under the Environmental Improvement Programme is made once a year with any nominations for blue plaques verified and confirmed as the Programme for the upcoming financial year is reported to the relevant Council meetings/boards. Four plaques were installed last year, three of which were instigated through research from the Hinckley Museum. This is not the norm however, as there was a period of a few years ago where none were nominated. The frequency of nominations tend to relate to research or work undertaken by local civic societies etc.

*3. Have you had any problems with the number of years you require to have elapsed before a commemorative plaque is erected?*

The person commemorated should have been born over 100 years ago or have died over 20 years ago, although we have applied some flexibility, particularly if it has been the only nomination received that year. One nomination from a gentleman who starred in “Heartbeat” and who lives locally wanted a blue plaque on his house but he was advised he would not be eligible as he wasn’t yet dead!

*4. Who assesses nominations?*

Initial assessment of nominations is made by two officers (conservation) and once included on the programme for the upcoming year confirmed by Councillors as part of the relevant Council meetings/boards. If there was a particularly controversial nomination it would be presented to these Councillors to make the final decision.

*5. Do you require nominees to submit evidence, and if so what do you require and in what format?*

Nominees are required to submit documentary evidence to confirm the appropriateness of nominations, normally as they are made by local civic societies or organisations with well documented records they can meet the criteria, but occasionally we have had to dismiss suggestions on lack of evidence or essentially rumour/hearsay/folklore.

*6. Additional information*

Also incorporate an unveiling of a plaque with an event to celebrate the person and provide a greater understanding of their achievements, so there has been added value in the scheme.

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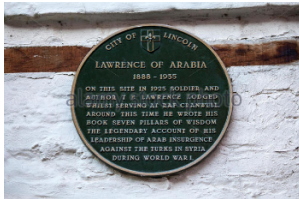




Chad Varah House, off Steep Hill



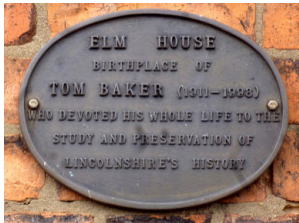
George Boole, mathematician - Pottergate



Lawrence of Arabia, author – 33 Steep Hill



Market trader's dog, Cornhill - removed Nov 2017



Tom Baker, historian – Elm House, Long Leys



William Logsdail, Artist – Minster Yard



William Byrd, organist – Minster Yard



Railway Wheelhouse – High Street

## Some other notable people without plaques

- [Penelope Fitzgerald](#), novelist and biographer, was born Penelope Mary Knox in the city in 1916.
- [Sir Francis Hill](#), local historian, mayor of Lincoln and Chancellor of the University of Nottingham, was born in Lincoln in 1899.
- [Benjamin Lany](#), academic, royal chaplain and religious writer, was Bishop of Lincoln in 1663–67.
- [William Pool](#), maritime inventor, worked in Lincoln in the 1820s and 1830s.
- [Steve Race](#), broadcaster, host of Radio 4's *My Music* 1967–93, was born in Lincoln and attended Lincoln School in 1932–39.
- [James Ward Usher](#), jeweller and philanthropist (1845–1921), spent his life in the city.
- [Caroline Eliza Derecourt Martyn](#) (1867 – 1896), English Christian socialist and early organiser of trade unions in the UK, was born in Lincoln and educated at Beaumont House School in the city

## COMMEMORATIVE PLAQUES SCHEME FOR LINCOLN

### Guidelines and criteria

#### Introduction

Commemorative plaques, sometimes referred to as blue plaques, can be added to buildings as a means of commemorating people and events in history.

In Lincoln there are a number of plaques around the city, erected under previous schemes. This scheme provides for individuals or groups to nominate an individual or event for commemoration through erection of a plaque.

#### Eligibility

To commemorate a person:

- at least 20 years should have passed since their death
- they should be sufficiently famous to be familiar to the succeeding generation or regarded as significant in their field
- their achievements must have made a lasting and significant contribution
- the building on which the plaque will be fixed must be directly and significantly related to the person (this would normally exclude hotels or public venues, e.g. concert halls, where connections were transitory)
- a person cannot be commemorated on more than one plaque within the city

To commemorate an event:

- at least 20 years should have elapsed since it took place
- should be instantly recognisable to many of the general public
- be of special historical interest or significance in the history of Lincoln or the country as a whole

Additional considerations:

- Proposed locations for plaques should be visible to passers-by from a public road or street without the need to enter private property
- Plaques will only be considered for location within the administrative boundaries of City of Lincoln Council
- Exceptional cases will be considered on their merits, subject to submission of a fully researched and justified case
- It will be necessary for nominees to get the written agreement of the building owner for a plaque to be installed on their building
- No more than two plaques to be erected on any one building

#### Approval process

Applications, together with supporting evidence, should be submitted via the online application form. These will then be assessed annually, initially being submitted to the Historic Environment Advisory Panel for comment and then to the Development Manager and Conservation Officer a recommendation to Executive, who will take the final decision. A maximum of three plaques per year will be approved.

### Funding

The cost of the plaque and installation will be funded by City of Lincoln Council. All other costs relating to obtaining evidence to support the application, including any costs relating to consents (see below) will be the responsibility of the proposer.

### Consents

It is the responsibility of the proposer to ensure compliance with all relevant planning requirements. Formal consent from the planning authority will be required if any plaque is to be erected on a listed building, and there may be constraints where the building is in a conservation area or is a commercial property.

A plaque can only be erected with the formal consent of the building owner. The consent of all parties who have a relevant legal interest in the site of the proposed plaque will be required. All applications must be accompanied by signed consent to confirm that the owner of the building on which the plaque is requested to be installed, and any other parties with a relevant legal interest in the site, have given their consent.

### Ownership of and responsibility for plaques

Once installed, plaques become part of the property of the owner of the building, regardless of the status of the group or individual responsible for nominating the plaque unless formal agreement is signed by the building owner stating otherwise. The owner of the building should be encouraged to give careful consideration to the proposal before making a decision which will affect themselves as well as subsequent owners, occupants and tenants.

Maintenance, repair, renewal and insurance of commemorative plaques installed under the scheme will be the responsibility of City of Lincoln Council.

### Plaque design

All plaques erected under this scheme will be to the approved design with wording agreed by officers.

### When an application is not approved

The decision of the council is final with no right to appeal. Dependent on the reason for refusal proposers may be invited to re-apply at a later date. Proposers may also make a complaint through the council's complaints procedure where they feel the application has not been dealt with in accordance with the agreed process.

## **APPLICATION FORM FOR COMMEMORATIVE PLAQUE IN LINCOLN**

### **Propose an individual or event**

The Lincoln Commemorative Plaque Scheme commemorates people and events which have contributed to the social, political and cultural heritage of the city.

To be commemorated a person should have lived or worked in City of Lincoln for at least five years, and at least 20 years should have elapsed since their death. An event should have passed its 20<sup>th</sup> anniversary and have been of historical significance to the city. No more than one plaque will be approved for each individual or event.

This is a City of Lincoln scheme and therefore only proposals for plaques within the administrative boundaries of City of Lincoln Council can be considered.

Please read the additional guidance and assessment criteria before completing the nomination form. Please complete section 1, either section 2 or 3 and section 4 in order that the application can be considered for approval in principle. This will involve comment by the Historic Environment Advisory Panel to inform a decision by the Development Manager and Conservation Officer.

Once an application is approved in principle the proposer will be asked to apply for relevant planning consents and officers will work with proposers to advise on the best location on the building and appropriate wording for the plaque.

### **SECTION 1. Details about yourself (proposer)**

Fields marked with \* are mandatory.

Title:\*

First name:\*

Surname:\*

Email address:\*

Telephone:

Address, with post code:\*

Organisation, if representing one:

Position in that organisation:

Relationship with or interest in the subject being proposed:

**SECTION 2. Nomination for an individual figure**

Fields marked with \* are mandatory.

If you are nominating a plaque to commemorate more than one person, please complete this section fully for each individual, using separate forms for each. If you are nominating a building with wider historical associations please skip to Section 3.

Nominee's first name\*

Nominee's surname\*

Nominee's formal title

Profession or occupation

Date of birth

Date of death\* *(The proposed person MUST have died at least twenty years ago to be eligible for consideration)*

Please give a brief account of the life and achievements of the person you are proposing (200-300 words) \*

Please explain why you believe this person deserves a plaque, and how they meet the following selection criteria (**200-350** words) \*

Please copies of documentary evidence and sources (references or links) of other information that you think will help us in decision-making.

Please provide the address at which it is proposed the plaque will be displayed and nature of the association of the nominee with the named address.\* (If there is more than one possible site for the plaque please list all here)

Please confirm that, as far as you are aware, the proposed site for the plaque is the original building, being largely unaltered from the time when the nominee would have been associated with it.\* *(Please provide a photograph of the building as it is today and, if possible, photograph as it was at the time of the nominee's association)*

**SECTION 3. Nomination for a building with wider historical associations.**

Fields marked with \* are mandatory.

Proposed address, including post code.\*

Please explain why you believe this building deserves a plaque, and how it meets the selection criteria \* (**200-350** words).

Date which the event or association took place \*

Briefly, please provide any information you have about the building, such as date, architect and builder.

Please confirm that, as far as you are aware, the proposed site for the plaque is the original building, being largely unaltered from the time when the event or association with the building took place with it.\* *(Please provide a photograph of the building as it is today and, if possible, photograph as it was at the time of the event/association)*

### SECTION 4. Consents

Is the building Listed? \* *(If the answer to this is 'yes' you will need to apply for consent once the application has been approved in principle)*

Is the building in a Conservation Area or a non-domestic building? \* *(If the answer to this is 'yes' you should take advice on whether consent will be required once the application has been approved in principle)*

Who owns the building? Please provide contact details.\*

Please provide a document signed by the owner to say they agree to erection of the proposed plaque on their building, they will not remove it without the written consent of the council, and that this requirement will pass to subsequent owners of the building, as well as confirmation that the owner will enter into a legal agreement with the council to do this.\*

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<b>SUBJECT:</b>	<b>PROPOSAL TO INTRODUCE A PUBLIC SPACE PROTECTION ORDER TO ALLOW ST PETERS PASSAGE LINCOLN TO BE GATED.</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>FRANCESCA BELL, PUBLIC PROTECTION, ANTI SOCIAL BEHAVIOUR AND LICENSING SERVICE MANAGER</b>

## 1. Purpose of Report

- 1.1 To inform the committee of the proposal to implement a Public Space Protection Order (PSPO) to allow the gating of St Peters Passage, Lincoln.
- 1.2 To inform the committee of the public consultation responses received and to seek the views of the committee on the proposal.

## 2. Executive Summary

- 2.1 In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour. These new powers also make changes to some of the relevant existing legislation and the Council is required, within the period of three years, to reconsider its Designated Public Place Orders (DPPOs) and either withdraw or replace them with new Public Space Protection Orders (PSPOs).
- 2.2 The PSPO's are more flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the behaviour unreasonable.
- 2.3 The purpose of the PSPO is to enable St Peters Passage, Lincoln, to be gated. St Peters Passage is a public right of way and is shown in **APPENDIX A**. The introduction of a PSPO would prevent public access to the passage.
- 2.4 The proposed PSPO would be put in place for a maximum period of three years after which a full review would take place. Through the consultation we have sought the views of the partner agencies and the public on the following points:
  1. Does your agency have any information in support of or against the proposal of the PSPO?
  2. Does your agency require access to St Peters Passage? If yes then for what reason?
  3. Does your agency have any concerns or objections to the proposed PSPO?

- 2.5 The City of Lincoln, much like other towns and cities nationally, has seen an increase in on street ASB particularly associated with substance misuse. These issues have manifested in the city centre particularly with St Peters passage being used for crime and ASB including the passage being used as a toilet. The council and its partners are working collaboratively to address the complex issues of individuals, however the gating of St Peters Passage would break the cycle of ASB and enable partners to better tackle the issues as well as protecting the public from harm by preventing public access to the passage which in its current state presents a public health risk.

### **3. Background**

- 3.1 For a number of years City of Lincoln Council has received intermittent complaints relating to the condition of St Peters Passage. Over the last 12 months complaints have increased significantly. The main concerns relate to drug use and paraphernalia such as needles being left behind, additionally the passage is being used as a toilet, smelling particularly strong of urine but also containing faeces.
- 3.2 The passage is currently unsanitary and poses a health and safety risk to both the Public, Street Cleaning Employees and Partner Agencies that access the Passage. Additionally the passage does not portray Lincoln as a vibrant and welcoming city.

### **4. Public Space Protection Orders**

- 4.1 The Anti-Social Behaviour, Crime and Policing Act came into force on 20<sup>th</sup> October 2014. This Act contains the provisions for the Public Space Protection Order, which was enacted by order of the Secretary of State on the 20<sup>th</sup> October 2014
- 4.2 Local authorities have the power to make Public Spaces Protection Orders if satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

- 4.3 The second condition is that the effect, or likely effect, of the activities:

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect).

- 4.4 A Public Space Protection Order is an order that identifies the space to which it applies ("the restricted area" within which the impact has or is likely to occur[ed]) and can make requirements, or prohibitions, or both within the area. This means that the local authority can, by virtue of the order, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are

reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues are still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.

- 4.5 The Anti-Social Behaviour Crime and Policing Act rescinded powers known as gating orders. This Power has now been replaced by Public Space Protection Orders.

## **5. The consultation**

- 5.1 On Wednesday 1<sup>st</sup> August 2018 a public consultation was launched. The consultation lasted 28 days and closed at 5pm on Wednesday 29<sup>th</sup> August 2018. As part of the consultation partners were approached directly seeking their views and any evidence they may hold in relation the proposed PSPO.

1. Does your agency have any information in support of or against the proposal of the PSPO?
2. Does your agency require access to St Peters Passage? If yes then for what reason?
3. Does your agency have any concerns or objections to the proposed PSPO?

- 5.2 We have directly approached all members of the Safer Lincolnshire Partnership (formerly Lincolnshire Community Safety Partnership) as well as approaching the following partners;

- Lincolnshire Police,
- Lincoln BIG,
- P3,
- Framework,
- Addaction.

In addition to this we have also advised all ward councillors of the consultation and City of Lincoln Communications team have put out information of the public consultation.

- 5.3 In response to the consultation we have received a total of 27 responses. Of the 27 responses 15 were in favour, seven were against and three were indifferent of gating St Peters Passage. A copy of the comments received is provided in **APPENDIX B**.

- 5.4 Of the responses received they fell into four specific areas.

- a. In favour of gating the passage – 14 responses
- b. In favour but with concerns about displacement of the problems – Three

responses

c. Against due to displacement of problems – Four responses

d. Against as they do not agree there is a problem in St Peters Passage or due to the passage being a historic right of way – One response.

Three responses did not express a view – Total 25 responses.

#### 5.5 To address points B – D above:

With regard to points B and C, The problems that are arising in St Peters Passage may be displaced as a result of gating the passage. With the projects that are currently launching across Lincoln City all agencies will be in a better position to jointly tackle anti-social behaviour and to offer comprehensive support to individuals where there is a willingness to engage positively with agencies. By implementing a PSPO the aim would be to disrupt the cycle of ASB in this particular location.

With regard to point C a short video of St Peters Passage will be shown to the committee.

### 6. The Evidence

6.1 Police incidents relating to associated ASB and criminal behaviour in the passage are low. This could be due to the passage being out of public view and not being regularly used by pedestrians. A number of reports have been made by Lincoln Business Improvement Group who have witnessed used needles, drug paraphernalia and faeces in the passage on a daily basis. In addition to this each time street cleaning employees or PPASB employees have visited the passage way needles and faeces have been present.

6.2 Over the last two years the Council has recorded 24 separate incidents of needles and/or faeces in the passageway. It is recognised within the PPASB Team that this number of complaints is low by comparison to the number of actual incidents.

6.3 23 businesses within the city centre have signed a petition in support of gating the passage.

### 7. The Proposal

7.1 To introduce a PSPO to permit the gating of St Peters Passage, Lincoln. The PSPO will remain in place for a maximum of three years before review, however it is proposed that a review be undertaken with the Service Manager, Assistant Director and Portfolio Holder after 12 months and any matters arising fed back to Policy Scrutiny Committee.

7.2 Members would need to be satisfied that the legal conditions, laid out above in sections 4.2 and 4.2, have been met. Officers' view is that these requirements have been met based upon:

- Evidence gathered by the Council itself, and from other associated agencies including the Police, recording crime and ASB statistics for the area.

- Feedback from the consultation attached as **APPENDIX B**. Full responses are available on request from Democratic Services.

## **8. Strategic Priorities**

### **8.1 Let's drive economic growth**

Projects within the city centre to tackle anti-social behaviour enhance our city making it a more attractive city for investment.

### **8.2 Let's reduce inequality**

The service seeks to reduce inequality through its work with individuals and communities.

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

Projects within the city centre to tackle anti-social behaviour serve to improve and enhance the city.

## **9. Organisational Impacts**

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

The cost of gating and ongoing maintenance will be met by Lincoln Business Improvement Group. There are no other financial implications

### **9.2 Legal Implications including Procurement Rules**

There are no legal or procurement implications

### **9.3 Land, property and accommodation**

The introduction of the PSPO would remove a public right of way, consultation has been done with Lincolnshire County Council Highways, who are satisfied in principal with the proposal.

All land owners within the area are required to be consulted, which has been satisfied through the consultation conducted.

### **9.4 Human Resources**

There are no human resources implications

### **9.5 Equality, Diversity & Human Rights**

The proposal does not have any direct Human Rights implications.

### **9.6 Corporate Health and Safety implications**

The introduction of the PSPO would alleviate the Public Health Concerns associated with the use of the passage.

## **10. Risk Implications**

## 10.1 (i) Options Explored

- a. To take no further action – this would allow the ASB to continue in St Peters Passage and would not address the risks to public health that the passage way presents.
- b. To put CCTV and lighting into the passage way – this would incur a cost. It may provide agencies with the means to identify perpetrators. In the meantime the risk to public health would remain.
- c. To introduce a PSPO permitting the gating of the passage way – this would ensure that the immediate public health risk is removed. It may displace ASB however partners have a range of interventions in place that should allow them to tackle continued ASB.

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

There is a possibility that by gating the passage to restrict access that this will increase the prevalence and visibility of drug taking and possibly defecation on the high street. By gating the passage way only the symptom of a deeper rooted social issue is being dealt with however with the other interventions being introduced across the city there will support available for vulnerable individuals that wish to engage.

## 11. Recommendation

- 11.1 That the committee consider fully the proposal to implement a PSPO permitting the gating of St Peters Passage and if satisfied with the proposal approve and recommend to executive.

**Is this a key decision?** No

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

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

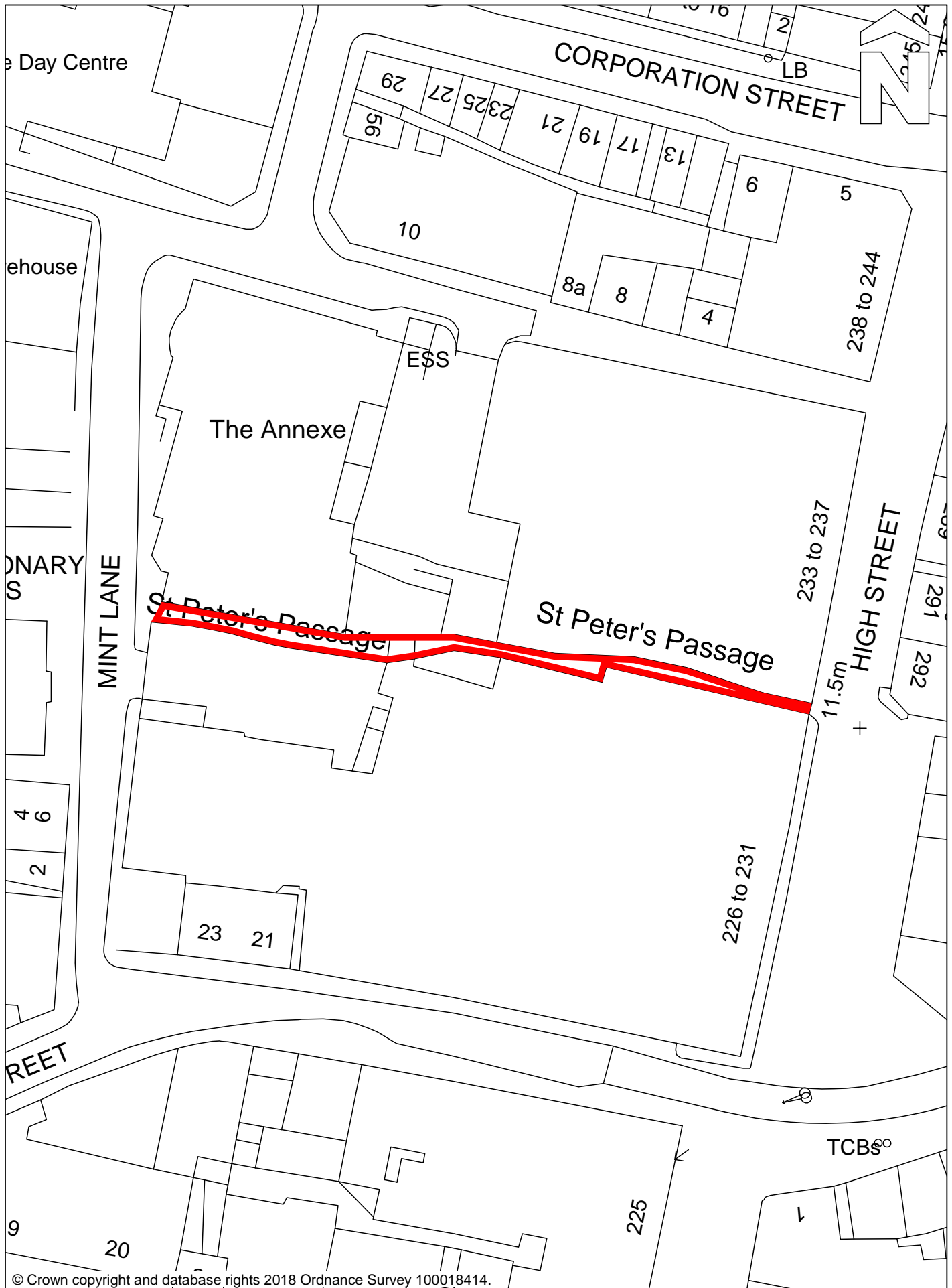
**How many appendices does the report contain?** 2

Appendix A – Map of St Peters Passage  
Appendix B – Consultation Comments

**List of Background Papers:** None

**Lead Officer:** Francesca Bell – Public Protection, Anti-Social Behaviour and Licensing Service Manager  
Telephone (01522) 873204

# APPENDIX A



## St Peter's Passage PSPO

Scale: 1:600 at A4

Version 1: 24-Jul-2018

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1. Please close the passage. It's a health hazard.
2. Yes but it is not vital to the city and causes more problems than benefits.
3. No.

- 2 I use St Peters Passage regularly and I am concerned that this move will set a poor precedent for closing more public rights of way such as this in the future.

It is common knowledge that there is a drug problem in the City Centre but I am not convinced that closing St Peters Passage will ameliorate the the issue, nor help to improve the image of the City. St Peters Passage is not a prominent feature of the High Street (I was nor aware of its existence until after a number of years living in the City). It is not often used by tourists and yet there are many other just as public spaces in which drug taking can be carried out away from prying eyes and closing the passage will not make the people who use paraphernalia such as needles any more likely to dispose of them sensibly, they will simply be left wherever they are used, just as dangerous and just as accessible to the wandering child.

I might also add that although the smell of urine is indeed a common experience, this is no different to any other alleyway in the City Centre and I have certainly never seen any faeces (I would be interested to know how often this has been reported).

- 3 I am pleased that the Council is taking our public health seriously, however, it would be unfortunate if it were to close a useful and historic public right of way in the name of public health only to find that it has made no difference at all to instances of the sort of anti-social behaviour described by the consultation paper. My concern is that this would shift the focus to other public rights of way where this sort of activity is alleged to occur, and on the basis of the precedent set by the closure of St Peters Passage, these would also be closed, to no obvious benefit for the City.

I hope that you will take this view into consideration and ultimately opt not to close the passageway, while I cannot offer any suggestions as to the prevention of the use of this passage (or indeed others) as a toilet - beyond opening a public lavatory which is open 24/7 on the High Street - I hope that the Council will consider the Advisory Council on the Misuse of Drugs's report "Reducing Opioid-related Deaths in the UK"\* which recommends the creation of legal Drug Consumption Clinics in order to treat addicts (point 5.5.12 onward) and which would likely reduce public consumption leading to the problem of needles pointed to in your consultation document. Perhaps that is outside the scope of this consultation - but I nevertheless hope that it is something you will consider.

- 4 Passage way should not be close off, because of anti social behaviour. Prioritised removing anti social behaviour.

Before we know it ! We will all be living in gated community. No!! More patrolling and maybe a few more public toilets...

Sent from my iPhone

- 5 I am emailing to express concern at the revived proposal to close the public thoroughfare St Peter's Passage as a trial measure.

On a previous occasion I researched (and published locally) the history of this path and identified past references to what would now be described as anti social behaviour occurring on it. The path was not blocked or closed on those occasions, but other steps were taken to deter or detect unwanted activity.

Modern technology provides numerous methods for deterring such activity on a public path, including CCTV and lighting solutions. It is depressing that Lincoln City Council - and the adjacent property owners/occupiers - cannot devise a scheme to improve the situation without blocking the thoroughfare. I hope that the proposal is not being suggested as a means to raise adjacent property values but removing an inconvenient path.

I have used the path two or three times, and I accept that it is not in frequent use. Usage as a thoroughfare might increase with the completion of the residential accommodation on the junction of Park Street. If the path is closed, I would expect much of the associated anti social behaviour to move elsewhere - which could create a cycle of rights of way closures if the same approach is proposed.

I would urge officers and councillors to try other approaches to improve this situation. Many existing rights of way represent historically used routes and they are a part of the City together with historic buildings. There is often an ebb and flow to the popular use and appreciation of these features.

- 6 I dont think this is something that I should be commenting on

- 7 I have no evidence for or against this
- 8 I have known of the passage in the past years. In all the people who pass this passage 99.9% have no idea it exists. Close the passage and fit gates so that no one can domicile in front of them.
- 9 I am emailing you to support the closure of St Peter's Passage.
- I do not use the passage itself as I do not find it a pleasant or safe environment but I walk past the entrance near Primark everyday on my way to and from work.
- During the hot weather earlier this month the smell of urine coming from the Passage was overwhelming. Anyone walking up the High St from Primark up to the Stonebow would have been affected. As well as the health risks it gave a bad impression to visitors of Lincoln. I overheard several comments from people about the smell as I walked past.
- The only way to stop this would be to close it to public use.
- 10 I work in the High street for a national retailer, and the constant level of thieves and shoplifters that we get in every 10 to 15 minutes every day that come in, grab something, because we have an open door policy, and run out down the passage, and go into the hostel on mint lane or vanish into the crowd is ridiculous, nobody who has decent morales uses the passage because of the known drug taking, drug dealing and the usage of the passage as a public toilet by the lowlifes that reside on the High street ruining this city. Please for the good of the city close this rat run and try to keep our city that little bit nicer.
- In support of the proposal to close St Peter's Passage, last Friday (27<sup>th</sup> July) my husband and I sitting in Café Nero at about 9:45am witnessed what can only be described as a queue of half a dozen or so people going into this lane and out again in quick succession. I was clear to us that these people had been using the lane to take drugs of whatever kind – it was clear from their demeanour and appearance this was the case (we are qualified to draw this conclusion). The proposal would be in the public interest, people who live and work in the centre of town probably know not to use this lane but unsuspecting people could have a very unpleasant and potentially dangerous experience if they use this lane unawares in the spirit of exploration – I certainly wouldn't use this lane nor the passageway further down the high street towards Primark. Has it been considered this may become the place of choice if St Peters passage closes?
- Clearly the presence of urine and faecal material is a public health hazard.
- There doesn't seem any rational reason to keep the passageway open in view of the current issues in the town centre with the numbers of apparent substance misusers around at any one time, from my own observations there appears to be clusters around the William Foster pub (people openly dealing from their outside seating), on the area next to the Angel café (no implications on them whatsoever but who would want to sit in their outside area when people are openly taking drugs less than 20 feet away!) and the area by McDonalds in the Cornmarket.
- 11 It feels intimidating when I'm on my own sometimes to be walking through the whole high street area in Lincoln from the Railway station to Orchard Street at 7:30am when lots of the same people are begging and congregating, its the same crowd we saw in St Peter's Passage who are there all day and they are very recognisable.
- 12 I have no concerns in closing St. Peter's Passage in Lincoln. I would like to raise the same concerns that you are considering with the public right of way with the one located between Elliott's picture framing shop and wildwood restaurant on Lincoln high Street, the same issues are faced down there. I walk through it frequently in order to reach the rear of my property and for example this morning there are 2 needles and strong smells or urine. I feel it should also be considered for closure.
- 13 My thoughts on this would be why don't you put a cctv camera or 2 (one each end). If this is closed the "users" I would guess will just find another passage to use for the same purposes and then what will happen? Another passage will be closed? I'm not sure closing it is the answer
- 14 I agree entirely that St Peters Passage should be gates at both ends. It is a focal point for drug use and is used by both the street community and drunks during the evening economy as a toilet. The proposal is only for 3 years after which it can be reviewed so it doesn't have to be permanent. I greatly hope that in gating the passage the congregations of drug users will move away from that particular area of the high street.
- I would like to put forward my experience as a Lincoln resident in support of the closure of St Peter's Passage. I often find myself holding my breath as I walk passed the entrance of the passage. The smell is an offence to that whole section of the High Street.

I have two young children and I hesitate to bring them into town because it no longer feels hygienic or safe. There are many contributing factors and other hotspots for this kind of activity in the city centre, which I trust you are also planning to tackle, however the area of St Peter's Passage is undoubtedly one of the worst.

15

No respectable person would use St Peter's Passage as a right of way in its current state. I have no difficulty navigating the city centre via other routes. It would not be a loss to the general public to gate it off.

16

I agree the passage has to be cleaned up. Perhaps if Lincoln had the resources to provide outreach services to the homeless and the people with mental health and addictions this would also keep the passage clean and safe. After all these people do exist so if the passage is closed off they will find another place to go, they won't just disappear.

I am in agreement that this is a good idea and would temporarily solve part of a larger issue within the city. As a student of the city I avoid this passage at all costs, whether day or night, due to the unsavoury characters that hang around this area. I have seen many a used needle in Lincoln, so St Peters Passage is not the only place drug taking is occurring. However, walking past the passage on the far side of the high street and being able to smell faeces and urine very strongly is not pleasant and not something that locals or visitors such be exposed to in such a beautiful city.

17

However, I also feel that simply closing the passage with dispel the problem to another area of the city as it is not the passage itself rather the dwellers of said. This could move to other more heavily trafficked passages, such as the Glory Hole, which would be a further detriment to the city with this being a main thoroughfare to and from the University. The people using St Peters Passage as a toilet and drug taking spot are the main issue and I hope that in consideration of closing the passage and within the review after 3 years should the passage be closed, this is strongly taken into consideration so that this issue does not reoccur elsewhere.

I do not use this passage for simple fact that more often than not it smells of urine just walking past it.

There's also the fact that it isn't any quicker to walk this way than either going towards Mint Street or Park Street.

18

My only concern would be what it would look like and not creating some sort of eyesore.

19

In your consultation process I do not see any mention of your new Team that is supposed to prevent this kind of behaviour! I know this might be a bit of a radical idea but why not get "Look North" to do a report on the problem, then the police will suddenly find that they don't need to search for historic crime and might patrol the area.

20

To prevent further increases of ASB and criminal activity, PCC Marc Jones would fully support the introduction of a gate to stop access to St Peters passage.

1. Does your agency have any information in support of or against the proposal of the PSPO.

It is unfortunate but the passage way is being used for activities as shared and yes to gate if off will stop the issues however the NCP carpark stairwell on Broadgate already has the same activity. My concern at the moment is that as a proactive response to the city centre issues , the problem is being moved to Monks Road area.

2. Does your agency require access to St Peters Passage? If yes then for what reason?

No

3. Does your agency have any concerns or objections to the proposed PSPO?

21

I Support the Proposed but do think it will only move the problem to Usher Art , NCP , and local neighbouring areas .

1. Do you have any information in support of the proposed PSPO?

Only that whenever I walk past it looks dark, dingy and smells. I have never seen anyone go into it or when I look down it I have never seen anybody in there.

2. Do you use St Peters Passage?

I wouldn't dare walk down there and actually don't think I ever have. The smell alone puts me off and the fact that it seems very unsafe. I have a mantra that you never use a shortcut but stick to light areas.

3. Do you have any concerns or objections to the proposed PSPO?

22

I have no concerns and totally agree with the proposal to close off St Peters Passage for the safety of the unfortunate people that have to go in there to take drugs and sleep and also for the shoppers passing by who may stumble upon equipment used for drug taking. I also worry that someone might use it as a shortcut and be attacked (not by people using drugs) but by opportune offenders who see someone go in and decide to follow them. Also the drug users are hidden out of view and could be in trouble or unconscious and we would not be able to help them.

23

Sad, but I believe the right decision.

1. Does your agency have any information in support of or against the proposal of the PSPO

a. No

2. Does your agency require access to St Peters Passage? If yes then for what reason?

a. No

3. Does your agency have any concerns or objections to the proposed PSPO?

a. Yes – There is no doubt that St Peters passage has been used for drug taking, I have witnessed some injecting paraphernalia along the passage recently, it is also obviously used as a toilet by the night time economy. However if you close St Peters Passage are you also planning to close Much Lane and any other passage, ally way or quiet corner of the city. Closing St Peters passage will only move the issue and will not solve it. The area is already in the street alcohol PSPO zone and drugs are illegal, powers already exist to deal with this situation.

b. Blocking the passage off will achieve little other than depleting the character of the city, the problem needs to be solving not diverted.

c. City of Lincoln council have recently announced the commencement of a PSPO based team to look at the anti-social behaviour in the city centre, this should be on that list not blocked off by a gate

24

d. Perhaps some of the resources currently going in to cleaning Orchard street every day of the week could be redirected to ensure the passages within the city stay clean and tidy as Orchard Street does not really need sweeping/cleaning at least 5 days a week.

Given the difficulties experienced, I can see no reason why the passage should not be gated, in these circumstances.

25

I therefore support the proposal to gate St Peter's Passage, on behalf of the Trust.

I use St. Peter's Passage as part of my commute and occasionally during social outings in the evening/weekends.

I rarely see the aforementioned Drug use and Paraphernalia/urine & faeces. (Statistically I would say less than 1/10 uses).

I feel shutting the Passage would only push the few that abuse the area to other more visible and valued parts of Lincoln city centre.

Overall, I feel, shutting the Passage would have a negative effect.

**SUBJECT:** JOINT PROTOCOL ON UNAUTHORISED ENCAMPMENTS IN LINCOLNSHIRE

**DIRECTORATE:** CHIEF EXECUTIVE AND TOWN CLERK

**REPORT AUTHOR:** SIMON WALTERS DIRECTOR COMMUNITIES & STREET SCENE

**BECKY SCOTT, LEGAL & DEMOCRATIC SERVICES  
MANAGER (LDSM)**

## **1. Purpose of Report**

- 1.1 To update members on recent unauthorised encampments in the city, a proposal as to how to deal with these in the future, and to seek authority to delegate the signing of the revised Joint Protocol for dealing with Unauthorised Encampments in Lincolnshire to the Chief Executive and the Leader.

## **2. Update on unauthorised encampments**

- 2.1 The City Council has had numerous unauthorised encampments since the Joint Protocol was originally approved in 2014. These have included at Birchwood and Yarborough Leisure Centres, Hartsholme Country Park, King George V playing fields and the West Common. More recently at the LN7 site and South Common.
- 2.2 Attached at Appendix A is a breakdown of the encampments in the city in the last 3 years, including clean-up costs.
- 2.3 Each encampment takes up substantial officer time and resources to deal with it, often necessitating an application to the court and extensive interaction with third parties. Engagements can be both protracted and confrontational. The protocol has been a very useful document on which to base the response of the Council to any encampments, and in particular has led to improved relationships between Lincolnshire County Council ("LCC"), the police and the city council, and as a result improved consistency of approach.
- 2.4 In respect of the encampment with the most impact, the travellers at Hartsholme Country Park campsite proved the most difficult to manage, with extensive ASB, abuse to officers, and it resulted in campers leaving the site so had a financial and reputational impact on the council. At Yarborough Leisure Centre there has relatively recently been two occasions where the travellers have arrived just before the 10k. During such times, the Council seeks support from the police to invoke their discretionary powers. In order to do this, the police have needed to justify it through their own decision making processes, and therefore CLC is attempting to make this process as clear as possible in the revised document. More recently the encampment in August proved to be the longest we have had for some time, with them being moved on from Yarborough Leisure Centre by the police, and then going onto the South Common. This necessitated the council instructing bailiffs and involved the police to finally remove them just before the fair arrived.

- 2.5 It should be noted that after each encampment a review of the security of the site is made and as a result numerous changes have been made to deter returns, such as a rising barrier at Hartsholme Country Park and height barriers have been fitted for both leisure centre sites. It should be noted that it is almost impossible to totally prevent access to any site by those who are determined, it is only possible to make it more difficult.
- 2.6 It was felt that due to the number of encampments both for the city and across the county in recent times, it would be appropriate to review the council's approach, which would also include considering the Protocol to ensure it is meeting its objectives and to make changes to strengthen the partnership working during these incidents.

### **3. Joint Protocol for Dealing with Unauthorised Encampments in Lincolnshire**

- 3.1 LCC have previously attempted to achieve a consensus between all districts, the police and themselves on a document to regularise the way in which Councils and the police deal with unauthorised encampments in accordance with the law and best practice. Historically the City Council dealt with encampments on a case by case basis and therefore it was a welcome step to try to agree a protocol countywide. There has been limited support from other districts, however despite this the City Council has benefitted from the protocol being approved and signed in May 2014
- 3.2 The Joint Protocol for dealing with Unauthorised Encampments has been reviewed with the assistance of the Lincolnshire County Council's (LCC's) Traveller Liaison Officer, Lincolnshire Police's Acting Chief Superintendent, the Assistant Director for Communities and Street Scene, and the Legal and Democratic Services Manager, which has resulted in some proposed amendments. The revised document is with Lincolnshire County Council for approval through the relevant senior manager and the portfolio holder and recently we've been advised that there have been some further changes suggested and we are awaiting hearing back about these.
- 3.3 During the course of discussions about the protocol it was clear that both the County Council's officer representative and the Police would prefer the City Council to earmark a site, or sites, which may be considered suitable to move travellers onto temporarily if they arrive on land which is both operational and where there is a substantial impact on the local community or a business, as identified through a Community Impact Assessment. This option needs further exploration due to the limited amount of land available within the city for such a purpose.

### **4. Proposed Changes to the Protocol**

- 4.1 The proposed revised Protocol being considered by LCC includes the following main changes:-
- To include a precedent Community Impact Assessment to be completed in the initial visit to capture information in a consistent manner and enable a full assessment of the impact to inform decisions about actions to be taken
  - To include a standard report to be completed by a local authority to present to the police, with relevant documents attached, to cover all actions taken

regarding the encampment and suggested justifications for the police to exercise their discretionary powers to evict trespassers in an unauthorised encampment

- To include powers of the LCC in respect of taking action against encampments on highways
- To firm up definitions, expand on general requirements

4.2 The suggestions have been discussed at length with the Acting Chief Superintendent and the County Council's Travellers Liaison Officer and we await the outcome from the LCC on the draft protocol.

4.3 Given that we have been assured that the changes will be minor, it is proposed that delegated authority be granted by the Executive to the Chief Executive and the Leader of the Council to sign the document on it's behalf. The officers who deal with encampments would prefer there be as little delay as possible in the signing of the document to ensure the council gets the benefit as soon as possible.

## **5. The Wider Approach to Unauthorised Encampments**

5.1 Whilst not all those who chose to establish unauthorised encampments on public land have any special protection in law, the Council needs to bear in mind its role in respect of such people and in particular its duties under the Equality Act 2010. In order to ensure that informed decisions are reached concerning the appropriate responses to unauthorised encampments, not only on the City's own land but also on private land.

5.2 The terms "Gypsies" and "Travellers" describe different and distinct groups, including Roma Gypsies, Scottish Travellers, Irish Travellers, New Age Travellers and Occupational Travellers. Gypsies and Travellers can be nomadic, partly nomadic or settled. Whether settled or nomadic, Gypsies and Travellers can often be isolated from settled communities and from mainstream service provision, and viewed with suspicion wherever they live.

5.3 Romany and Scottish Gypsies and Irish and Scottish Travellers are recognised ethnic groups under the Equality Act 2010 under the protected characteristic of race.

5.4 The Equality Act 2010 makes it unlawful for any public authority or a person carrying out a public function of that body to discriminate against anyone with a protected characteristic and has a duty to eliminate unlawful discrimination, harassment or victimisation.

5.5 Therefore officers must not treat members of the Gypsy or Traveller communities in a way that differs from action taken against members of the settled community or it will be unlawful.

5.6 The Equality Act also places a general duty on public bodies to:

- advance equality of opportunity, between racial groups;
- foster good relations between racial groups.

## **6. Gypsy and Traveller accommodation needs assessment**

- 6.1 The 2013 Central Lincolnshire Gypsy and Traveller accommodation needs assessment identifies the need for 11 pitches in Lincoln, however a surplus of 4 pitches has been identified in years 0 to 5 (2013-2018) meaning that there is a need for 7 pitches in the city.
- 6.2 The assessment also highlighted the need for a number of temporary stopping places across central Lincolnshire which should assist in alleviating unauthorised encampments from gypsies and travellers. It should however be noted that not all unauthorised encampments are as a result of Gypsies and Travellers and therefore additional pitches and temporary stopping places will not solve the problem completely. Undertaking this assessment and making the necessary provision is a County Council function.
- 6.3 There is currently just one site in the city designated as a site for 'travellers', which is owned by Lincolnshire County Council and is partially occupied. A site directly adjacent to this site has been identified in the Central Lincolnshire Local Plan for possible expansion, should it be required. A recent assessment highlighted an element of dissatisfaction with the existing facilities and current condition of the site. This is being looked at by the County Council.

## **7. Availability of alternative sites**

- 7.1 During the course of discussions the police representative and the County Council's Travellers Liaison Officer both raised the possibility of the City Council reviewing its options regarding offering travellers alternative sites where encampment might be tolerated short term while the legal process is undertaken.
- 7.2 Pursuit of this idea would mean a review of each encampment on a case by case basis and if an alternative site were to be identified then liaise with all relevant parties, including members, as to whether it would be appropriate to offer that site.
- 7.3 Enforcement action for the alternative site would be commenced regardless, as if they had encamped unauthorised, to ensure that any such site did not become a regular or permanent site.
- 7.4 Liaison with neighbouring authorities would also be required to consider sites on Lincoln's immediate boundary.

## **8. Consideration of alternative legal powers**

- 8.1 There has been a review of available powers and other authority's approaches to their encampments. In particular we have been linking with the Lincolnshire Shared Services legal team and their involvement in obtaining a city wide injunction in Boston from the High Court. This has included various areas of land which have been targeted by unauthorised encampments and it was granted in 2014. Since that time, whenever a group of travellers who meet the requirements of the Order arrive, the police serve upon them the Injunction Order. So far, it appears to have had the desired effect and the group have moved on relatively quickly and without the need for further legal action.



- 8.2 This approach is also being taken by the City of Wolverhampton Council who are undertaking preparations to make the application for the Order and the case will be heard on the 2 October 2018.

### **Requirements for a city wide Injunction Order**

## **9**

- 9.1 The council will need to present evidence of unauthorised encampments across the city and in the areas which it is seeking to get covered by the Order. This needs to show the impact on the residents/visitors to the area as well as the financial and reputational impact on the council itself. There needs to be a site set aside in the boundary to offer to the travellers as well which there is, however over the past few years, no members of any of the encampments have chosen to move to the Washingborough Road site as it is occupied mainly by one family whom the traveller community would not want to share a site with.

- 9.2 Support for the Injunction Order has been given by the police, through Chief Inspector Stewart Brinn and also the LCC's traveller's Liaison Officer as well.

- 9.3 The Council is also working in partnership with the LCC and hoping to be able to include any areas of their land in the application within the city boundary which they have encampments on, such as the land at Yarborough Leisure Centre

- 9.4 Members views on taking this approach are sought as these proceedings are serious and have been considered as a last resort given the rising numbers of encampments which are unauthorised, and the escalating associated costs. It is recognised that the implementation of the Order would need to be mindful of the rights of the individuals involved.

### **Organisational impacts**

## **10.**

Land, property and accommodation

### **10.1**

The Property Services Manager has considered whether there is any land which could be used as an alternative site over and above the Washingborough one. It has been concluded that, particularly in view of the current new build programme, there are no non-operational sites which could be earmarked as a permanent alternative site. However, during the course of any review of an unauthorised encampment, a view taken as to whether there are any sites available at that time which could be used. This will continue to take place as part of the process and will be kept in mind in the future

### **10.2 Finance**

The cost of dealing with unlawful encampments has risen over the years. There is a breakdown of these costs attached at Appendix A These costs include for the direct court/legal costs, cleaning up, reparations and installation of deterrents to deter further encampments. The signing of a revised protocol does not itself add to costs, and arguably reduces costs by ensuring effective use of resources. However, should the Council agree to designate a site for temporary use, then there would be a cost to setting this up and therefore additional budget would need to be allocated should the decision be made to designate a specific site for

this purpose. In addition it would not necessarily mean any reduction in operational costs.

The above takes no account of the significant impact on staff time and disruption to other services and projects. As a relatively small authority, undertaking the necessary operational and legal duties required to deal with unlawful encampments means disruption to a wide range of programmed work across several departments.

### 10.3 Equality, Diversity & Human Rights

As outlined in the attached Equality Assessment at Appendix 2. This is very similar to the one completed during the course of introduction of the Protocol. There are no negative impacts on individuals which cannot be mitigated and on balance the potential harm to individuals far outweighs the risk of not implementing this Protocol. The Policy supports the promotion of the welfare of Travellers and Gypsies and will increase tolerance by the settled communities and understanding of these groups if a change of policy is able to reduce confrontation

## 11. Risk Implications

### 11.1 (i) Options Explored

If the Council did not take action to resolve this issue, costs and resources will be taken up by each encampment which unlawfully arrives on city council land, and to not sign up to the revised Protocol risks there being an ad hoc reaction to unauthorised encampments countywide. The potential benefits of partnership working would not be maximised

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

There is a risk that the council are not successful with its application to the High Court. Every attempt will be made to ensure that all the evidence required will be included in the application. There are no key risks with the approach above to the changes in the Protocol. There may be a community impact if a site is identified to be a short term alternative, which would be managed during each incident of an unauthorised encampment.

## 12. Recommendation

- 12.1 To provide comments for the Executive on the update presented, the proposal to seek a city-wide Injunction Order, and on the delegation of authority for the changes to the Joint Protocol dealing with Unauthorised Encampments in Lincolnshire being signed off by the Chief Executive and the Leader..

**Is this a key decision?**

No

**Do the exempt information categories apply?**

No

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

No

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

**List of Background Papers:**

None

**Lead Officer:**

Becky Scott, Legal & Democratic Services Manager  
Telephone (01522) 873441

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	2015	2016	2017	2018
South Common / Malandry Close			£ 968.14	
Maxwell Ave				£ 5,940.38
Yarborough Leisure			£ 263.80	£ 4,500.00
West Common	£ 205.91	£ 130.83		
HCP		25,898.95		
King George Playing Field	£ 425.60			
Searby Road	£ 47.99			£ 2,417.87
Skellingthorpe Road playing field		3,361.00		
<b>Total</b>	<b>£ 679.50</b>	<b>£ 29,390.78</b>	<b>£ 1,231.94</b>	<b>£ 12,858.25</b>

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## SECTION A

Name of policy / project / service	Joint Protocol Document – Dealing with unauthorised encampments within Lincolnshire
Background and aims of policy / project / service at outset	<p>The overall aim of the Joint Protocol Document is to ensure that unauthorised campers are dealt with in a fair, open, consistent and transparent manner when deciding whether to tolerate or evict them from land owned or the responsibility of the Council. It also provides guidance as to how to deal with encampments on private land.</p> <p>The specific objectives of this policy are:</p> <ul style="list-style-type: none"> <li>• To provide a public statement on our approach to dealing with unauthorised camping;</li> <li>• To monitor and regulate unauthorised encampments within our boundaries;</li> <li>• To ensure that any action undertaken is done so in a balanced and lawful way to prevent successful legal challenges;</li> <li>• To protect the legitimate interests of lawful users of the site concerned and neighbours to the site;</li> <li>• To ensure that the policy does not discriminate against persons on the grounds of race, gender, sexual orientation, religion and belief, disability or age;</li> <li>• Through monitoring and feedback to continuously improve our services to all our residents and persons subject to our actions who may not be residents.</li> </ul> <p>The Protocol takes account of relevant legislation and best practice.</p>
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	
Key people involved <i>i.e. decision-makers, staff implementing it</i>	

## SECTION B

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

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	✓			As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment. This includes an assessment of health which could assist those of all ages. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed.	NA	
Disability (see Glossary of Terms)	✓			As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment. This includes an assessment of health which could assist all individuals who are have a disability. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed.	NA	
Gender re-assignment			✓	As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed.	Yes/No/NA	
Pregnancy and maternity	✓			As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment.	Yes/No/NA	



				<b>This includes an assessment of health which could assist women in this category. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed.</b>		
<b>Race</b>		✓		<p><b>Whilst the protocol is not specifically aimed at Gypsies and Travellers, it is recognised that the majority of unauthorised encampments will be occupied by Gypsies and Travellers due to their transient lifestyle.</b></p> <p><b>Literacy levels amongst the Travelling community are statistically low compared to other groups. Some Travellers may therefore have difficulty understanding the written documentation that forms part of the process connected to this protocol.</b></p> <p><b>It is well documented that there are significant shortages of authorised long term Traveller sites and transit Traveller sites throughout the country. Section 225 of the Housing Act 2004 places a duty on local authorities with housing responsibilities to take account of the accommodation needs for Gypsies/Travellers. The recent Lincolnshire Gypsy and Traveller Accommodation Assessment and the South Holland GTAA have identified shortages of Traveller accommodation throughout the county. Whilst there remains a shortage of pitch provision for these groups they will have little alternative other to continue stopping on unauthorised locations. Persons who have nowhere else to stop other than on unauthorised sites are recognised in law as being homeless.</b></p> <p><b>Various independent studies have shown that literacy levels amongst the Traveller community to be lower than other ethnic groups.</b></p>	Yes	<p><b>As previously mentioned, there is a shortage of authorised pitch provision across the county. The Council recognises the findings of the GTAA's and will support and engage with the Lincolnshire district councils on the identification of land and/or additional pitches. By increasing authorised pitch provision this should curtail the number of incidents of unauthorised encampments throughout the county.</b></p> <p><b>The documentation is read out to the travellers by officers when they attend on the site. Officers are aware that they need to do this to ensure that they understand it fully given its importance.</b></p>

Religion or belief	✓			As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed. In addition, there is specifically reference to funerals being a reason to hold off taking action which is a positive element in respect of this protected characteristic	NA	
Sex			✓	As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed.	NA	
Sexual orientation			✓	As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed.	NA	
Marriage / civil partnership			✓	As part of the decision making process the Council offers all unauthorised campers the opportunity to request a needs assessment. The findings of the assessment can determine whether there is a need to tolerate an encampment for a given period of time or whether formal proceedings to remove the encampment can proceed.	NA	
Human Rights (see page 8)	✓			The following articles: Article 2 (right to life), Article 3 (prohibition of torture, inhuman and	Yes	These will be taken into consideration at the time a

				degrading treatment), Article 8 (right to respect for private and family life), Article 9(freedom of expression of belief) and Article 14 (prohibition on discrimination) when taking action.		decision is made as to what action is to be pursued.
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- Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
NO		

## SECTION C

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

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

- |   |                                     |
|---|-------------------------------------|
|   | <b>Tick here</b>                    |
| • <b>No equality or human right Impact</b> (your analysis shows there is no impact) - sign assessment below                         | <input type="checkbox"/>            |
| • <b>No major change required</b> (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below | <input type="checkbox"/>            |
| • <b>Adverse Impact but continue</b> (record objective justification for continuing despite the impact)-complete sections below     | <input checked="" type="checkbox"/> |
| • <b>Adjust the policy</b> (Change the proposal to mitigate potential effect) -progress below only AFTER changes made               | <input type="checkbox"/>            |
| • <b>Put Policy on hold</b> (seek advice from the E&D officer as adverse effects can't be justified or mitigated) -STOP progress    | <input type="checkbox"/>            |

Conclusion of Equality Analysis (describe objective justification for continuing)	No negative impact on individuals which cannot be mitigated and on balance the potential harm to individuals far out weighs the risk of not implementing this Protocol.
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When and how will you review and measure the impact after implementation?*	When an encampment is dealt with, there is a de-brief to consider how it was managed and therefore there will be consideration of any impact considered in this assessment accordingly.
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Checked and approved by responsible officer(s) (Sign and Print Name)	BECKY SCOTT	Date	280918
Checked and approved by Director Director (Sign and Print Name)	SIMON WALTERS	Date	280918

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

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

**POLICY SCRUTINY COMMITTEE**

**9 OCTOBER 2018**

<b>SUBJECT:</b>	<b>POLICY SCRUTINY WORK PROGRAMME 2018/19 AND EXECUTIVE WORK PROGRAMME UPDATE</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>LEAD OFFICER:</b>	<b>CLAIRE TURNER, DEMOCRATIC SERVICES OFFICER</b>

**1. Purpose of Report**

- 1.1 To present the Policy Scrutiny Committee Work Programme for 2018/19 and receive comments and considerations from members with items for the municipal year 2018/2019 and to advise Members of the items that are on the current edition of the Executive Work Programme.

**2. Background**

- 2.1 The work programme is attached at **Appendix A**.
- 2.2 The Constitution provides for the publication of the Executive Work Programme on a monthly basis detailing key decisions/ exempt para (Section B) items to be taken by the Executive, a committee of the Executive or a Member of the Executive during the period covered by the programme. This is attached at **Appendix B** and has been provided to assist members in identifying items for inclusion within the work programme.

**3. Recommendation**

- 3.1 That Members give consideration to the Policy Scrutiny Work Programme for 2018/19 and update where appropriate to include items which they wish to consider from the Executive Work Programme as required.

**List of Background Papers:** None

**Lead Officer:** Claire Turner, Democratic Services Officer  
Telephone 873619

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## Policy Scrutiny Committee Work Programme – Timetable for 2018/19

19 June 2018

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Review of Mutual Exchange Policy	Yvonne Fox	Requested at 20 <sup>th</sup> June 2017
Waste Strategy Public Consultation Survey	Steve Bird	Added by S Bird 30 <sup>th</sup> May 2018
Business Rates Growth Policy	Martin Walmsley	Added by M Walmsley 22 March 2018
Fair Trade Policy	Heather Grover	Requested at 20 <sup>th</sup> June 2017
Review of Fraud and Sanction Policy	Martin Walmsley	Added by M Walmsley 22 May 2018
People Strategy Post Implementation Review	Claire Burroughs	Requested at 17 <sup>th</sup> February 2017
Customer Experience Strategy Progress Report	Jo Crookes	Requested at 17 <sup>th</sup> February 2017
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Policy Scrutiny Work Programme 2018 -2019	Democratic Services	Regular Report

21 August 2018 - Cancelled

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
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### 19 September 2018 – Additional Meeting

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Modern Slavery Charter	Francesca Bell	
Review of Mandatory HMO Licensing Scheme	Becky Scott	

### 9 October 2018

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Protecting Vulnerable People	Becky Scott	
Joint Protocol on Unauthorised Encampments in Lincolnshire	Becky Scott	
PSPO St Peters Passage	Francesca Bell	
Proposed Commemorative Plaques Scheme for Lincoln	Pat Jukes	
Policy Scrutiny Work Programme 2018 -2019	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report



**13 November 2018**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Council Tax Support Scheme	Claire Moses	Added 15 May 2018
Policies in the Council	Beck Scott	
Public Health Funeral Provision – Review	Simon Colburn	Requested at 28 November 2017 meeting
Annual Scrutiny Report	Democratic Services	Regular Report
Housing Enforcement Policy	Hannah Cann	Added 18 September 2018
Review of Procurement Policies	Heather Carmichael	Requested at 10 October 2017 meeting.
Policy Scrutiny Work Programme 2018-2019 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

**15 January 2019**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Policy Scrutiny Work Programme 2018-2019 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

**19 March 2019**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
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Draft Policy Scrutiny Work Programme 2019-2020	Democratic Services	Regular Report
County Joint Municipal Waste Management Strategy	Simon Colburn	Added by Steve Bird 5 March 2018- Now SC responsibility
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

- Review of Houses in Multiple Occupation Article 4 Direction and Supplementary Planning Documents – For review in June 2020 (as requested at the meeting of 20 June 2017)

## EXECUTIVE WORK PROGRAMME

**September 2018 - August 2018**

### NOTES

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

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

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

## EXECUTIVE WORK PROGRAMME SUMMARY

Date of Decision	Decision	Decision: Summary	Decision Taken By	Key Decision	Exempt Information
29 October 2018	New Housing Development Progress Report	To consider progress on new housing development	Executive	Yes	Private
29 October 2018	Localised Council Tax Support Scheme - 2019/20	<p>Executive is asked to resolve the following: -</p> <p>1) Consider the proposed City of Lincoln Council's Localised Council Tax Support scheme for 2019/20; for public consultation and scrutiny.</p> <p>2) Consider the proposal to continue the £20,000 a year Exceptional Hardship fund for 2019/20 to top up Council Tax Support awards in appropriate cases – to be funded through the collection fund.</p>	Executive	Yes	Public
29 October 2018	Tentercroft Street Masterplan	To consider the content of the Masterplan	Executive	Yes	Private
29 October 2018	De Wint Court – Cost Plan	To authorise procurement exercise based on detailed consultant cost plan and request delegated authority to enter into contract with a successful supplier if the tender return is within the stated cost envelope.	Executive	Yes	Private
07 January 2019	Local Council Tax Support Scheme 2019/20	<p>1) Review consultation responses relating to the Localised Council Tax Support Scheme for 2019/20;</p> <p>2) Consider the proposed City of</p>	Executive	Yes	Public

		Lincoln Council's Localised Council Tax Support scheme for 2019/20			
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