



POLICY SCRUTINY COMMITTEE

Tuesday, 8 October 2019

6.00 pm

Committee Room 1, City Hall

Membership: Councillors Bill Bilton (Chair), Laura McWilliams (Vice-Chair), Hilton Spratt, Alan Briggs, Ralph Toofany, Pat Vaughan and Jane Loffhagen

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

Officers attending: Democratic Services, Legal Services, Paula Burton and Simon Colburn

A G E N D A

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2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
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Present: Councillor Bill Bilton (*in the Chair*),
Councillor Laura McWilliams, Councillor Alan Briggs,
Councillor Jane Loffhagen, Councillor Hilton Spratt,
Councillor Ralph Toofany and Councillor Pat Vaughan

Apologies for Absence: None.

42. Confirmation of Minutes - 18 June 2019

RESOLVED that the minutes of the meeting held on 18 June 2019 be confirmed.

43. Matters Arising

Parking on Grass Verges

The Legal and Democratic Services Manager advised that she had spoken with the relevant Officers regarding a potential report to Policy Scrutiny Committee on parking on grass verges/fields. She explained the current process eg. when an issue was raised, Officers would write to the local residents and if the problem continued further action such as bollards etc would be considered. The Tenancy Services Manager had recently undertaken some ward walks with Members, including Councillor Metcalfe, to identify issues. At present there was no policy, nor an intention to introduce one, and it was felt by officers that it could not be fully scrutinised at this time.

Members discussed the issues and stressed that the continued problems occurred in all grassed areas in the City. The bus companies had stopped services through some estates as the buses could not get through due to vehicles parked on the verges. They proposed that a report be brought to committee to discuss the options available.

The Strategic Director Communities and Environment responded that there would be different solutions to the issues in different areas but remained a resource intensive piece of work. He suggested in line with Member direction, that a position statement be brought to a future meeting of the Policy Scrutiny Committee, which was agreed.

44. Declarations of Interest

Councillor Vaughan declared a Personal Interest in the Acquisition Policy as his granddaughter worked in the Finance Section of the City of Lincoln Council.

45. Acquisition Policy Addendum

The Assistant Director of Housing Investment and Strategy

- a. presented the Council's Acquisition Policy and explained that it was implemented in June 2019.
- b. advised that a more streamlined process was required for the acquisition of private dwellings which were not former local authority dwellings, but

were of strategic importance to the Council.

- c. added that now the Policy was in use, minor changes to the Acquisition Policy were required and asked for Policy Scrutiny Committees comments prior to submission to Executive.
- d. detailed the proposed amendments to Section 3 and Section 4 of the Acquisition Policy as detailed at paragraph 3.1 of the report and advised that these changes would bring the Policy in line with the process of acquiring former council dwellings.
- e. highlighted some minor amendments to the report since it was published.
- f. invited members questions and comments.

Comment – This was a good policy and it was important to buy freehold properties.

Response – The Council would consider buying leasehold properties but only if they were within a building that the Council already owned.

Question – Asked for clarification on the right to first refusal on a property?

Response – The right to first refusal only applied to former Council properties that were purchased under the right to buy scheme and the property was put on the market within 5 years.

Question – Would the properties be used for lettings or for the homeless?

Response – They would be used for both, some would be used for temporary accommodation for families instead of using B&B's.

RESOLVED that the proposed minor policy and process amendments to the Acquisition Policy be supported and referred to Executive for approval.

46. Interim Air Quality Action Plan for Lincoln

The Strategic Director of Communities and Environment

- a. presented the proposed interim Air Quality Action Plan for comments prior to referral Executive.
- b. advised that the City of Lincoln Council currently had one declared Air Quality Management Areas (AQMA), which was in place due to non-compliance with the national annual mean air quality objective for nitrogen dioxide, a road traffic related pollutant.
- c. explained that when a local authority had declared an AQMA, it had a duty to produce an air quality action plan (AQAP) aimed at improving pollution levels within the AQMA. The Council's current AQAP was produced in 2006 and required updating to reflect the current air quality challenges within the city.
- d. advised that due to the ongoing review of the Lincoln Transport Strategy (LTS) led by Lincolnshire County Council, it was proposed that an interim Air Quality Action Plan would be published detailing those measures that could be implemented, irrespective of the outcomes of the LTS review.
- e. advised that when the LTS was complete it was proposed to review the AQAP to seek to take advantage of the opportunities afforded by the

updated LTS.

- f. highlighted the key priorities of the interim Air Quality Action Plan as detailed at paragraph 4.7 of the report.
- g. advised that due to the close association between air quality and climate change, the City Council's Low Carbon Task Force had provided a steering group role in terms of developing the interim Action Plan. It was proposed that the group would oversee the implementation and monitoring of the actions contained within the proposed interim Action Plan.
- h. advised that Equality and Diversity had been considered and the report to Executive would be updated to reflect this, also an Equality Impact Assessment would be produced for each action on interim Air Quality Action Plan.
- i. invited members questions and comments.

Comment – Staff should be encouraged to cycle to work.

Response - There was a cycle to work scheme where staff could purchase a bike and the payment would be deducted from their wages over a year.

Question – Would areas around schools and nursery's where there was standing traffic be a focus point to be looked at?

Response – Only the area in Broadgate exceeded the national limits and this was only at certain times of the day. The Lincoln Transport Strategy would make a significant difference to the traffic movement in the city and this policy would be reviewed once the Lincoln Transport Strategy was in place.

Question – Referred to priority 2 and asked how would taxi drivers be encouraged to use lower emissions vehicles as this would be expensive.

Response – It would be a requirement over a period of time.

Question – Could there be a limit on heavy goods vehicles going through the City Centre?

Response – It could be considered by the County Council as part of the Lincoln Transport Strategy once the by-pass was in place.

Comment – The cycle infrastructure needed improving to encourage people to use their bikes, there was currently limited places to lock up bikes.

Question – Had Officers spoken with Stagecoach regarding the use of old buses?

Response – Officers had regular meetings with Stagecoach, they had recently gone through an extensive bus replacement programme. There were a few old buses left on their fleet but they were moving towards new buses.

RESOLVED that the contents of the report be noted and referred to Executive for approval.

47. Health Scrutiny Update

The Vice-Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meeting held on 10 July 2019 these were:

- United Lincolnshire Hospitals Trust – Update on Care Quality Commission Inspection.
- United Lincolnshire Hospitals Trust – Children and Young Persons Services Update.

- Mental Health, Learning Disability & Autism Services – Case Change for Emerging Options.
- General Practise Access and Demand.
- Glebe Medical Practice Consultation on Proposal to Close Skellingthorpe Health Centre.

RESOLVED that the report be noted.

48. Policy Scrutiny Work Programme 2019-20 and Executive Work Programme Update

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 2019-20 and Executive Work Programme Update'.
- b. presented the Executive Work Programme August 2019 – August 2020.
- 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.

RESOLVED that:

1. a Position Statement on Parking on Grass verges be added to the work programme.
2. the work Policy Scrutiny work programme be noted.
3. the Executive work programme be noted.

SUBJECT: HEALTH & ENVIRONMENT ENFORCEMENT POLICY 2019 - 2024

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: SIMON COLBURN ASSISTANT DIRECTOR HEALTH AND ENVIRONMENT SERVICES

1. Purpose of Report

1.1 To seek scrutiny and comments on the proposed Health & Environment Enforcement Policy 2019 – 2024 prior to submission to Executive.

2. Executive Summary

2.1 The policy seeks to clarify the principles under which the Health and Environment service area will undertake regulatory activity. These are

- We will ensure that we enforce the law in a fair, equitable and consistent manner;
- We will work to assist businesses and others in meeting their legal obligations;
- Our focus will be on prevention rather than cure, where appropriate;
- We will take action against those who breach the law or act irresponsibly.

2.2 The policy clarifies other principles and adoption of guidance regarding our approach to good regulation and enforcement.

2.3 The policy proposes the adoption and use of civil penalties and penalty charge notices for certain offences.

2.4 This policy applies to the functions carried out by the following services:-

- Environmental Health – Food Safety, Health & Safety, Pollution Control and Private Sector Housing
- Licensing
- Anti-social behaviour & Public Protection

3. Background

3.1 The City of Lincoln Council’s Health & Environment services are responsible for protecting people’s health, safety and wellbeing as well as the environment and amenities. They do this by using a range of tools, powers and approaches which varies from team to team. A non-exhaustive list of the legislation covering this area is in annex 1 of the policy.

3.2 While the type of resource and approach may differ across teams the framework and principles of enforcement activity should be clear and consistent. This policy aims to clarify those principles and that framework.

- 3.3 Health and Environment Services covers a diverse range of regulatory services including –
- Food Safety;
 - Health & Safety;
 - Pollution Control;
 - Private Sector Housing;
 - Licensing;
 - Anti-social behaviour & Public Protection.

The area covers a range of licensing, permitting and enforcement activities based around the regulation of businesses and direct enforcement against individuals. This includes everything from formal warning letters and fixed penalty notices for things like littering and dog fouling through to revocation of licences and prohibition notices which may prevent a business operating and prosecutions with potentially large fines. The highest we have seen in the service area was £404,000 in 2018.

- 3.4 This overarching policy provides the context and framework for more detailed policies and procedures such as our existing Licensing Policy Statement and detailed procedures may be developed in particular service areas to assist officers in specific enforcement activities.

4. The City of Lincoln Council regulatory principles

- 4.1 Our regulatory focus is based around four central principles:

- We will ensure that we enforce the law in a fair, equitable and consistent manner
- We will work to assist businesses and others in meeting their legal obligations
- Our focus will be on prevention rather than cure, where appropriate
- We will take action against those who breach the law or act irresponsibly

- 4.2 In addition to these four principles the policy clarifies that we will follow relevant good practice guidance in all of our regulatory activities. This includes the following

- The Principles of Good regulation;
- The Regulator's Code;
- The Code for Crown Prosecutors;
- Any other relevant legislation or guidance.

- 4.3 The Principles of Good regulation (under the Legislative and Regulatory Reform Act 2006) to ensure our regulation is –

- Proportionate – our enforcement activities will reflect the impact of the offending on those living in, working in and visiting the city and enforcement action taken will relate to the seriousness of the offence;
- Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
- Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar,

we will endeavour to act in a consistent manner;

- Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- Targeted – we will focus our resources on higher risk businesses and activities, reflecting local need and national priorities and intelligence.

4.4 The Regulator's Code (Department of Business, Innovation and Skills) which is, in summary -

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
- Regulators should base their regulatory activities on risk;
- Regulators should share information about compliance and risk;
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
- Regulators should ensure that their approach to their regulatory activities is transparent.

We must have regard to this code in formulating our enforcement policy.

4.5 The policy also clarifies that we will always have regard to the Code for Crown Prosecutors and the two tests specified therein -

(a) **Evidential Test** - is there enough evidence against the defendant? Is it reliable and do we have a "realistic prospect of conviction".

(b) **Public Interest Test** - is it in the public interest for the case to be brought to court? Our decision will reflect the impact of the offending on those living and working in the City.

4.6 The policy clarifies that while the Council cannot enforce against themselves, breaches of legislation found in premises owned or run by the Council will be treated in the spirit of this policy as would a breach in other premises and therefore action required to mitigate any problems in council premises would be consistent with those in non-council premises. In addition, details of the breach will be brought to the attention of the Chief Executive, appropriate Director and Assistant Director.

4.7 The policy specifically introduces and adopts the use of

- Civil Penalties,
- Penalty Charge Notices and
- Charging for Enforcement Activity under the Housing Act 2004.

The first two can be used as an alternative to prosecution to tackle private sector landlords that do not maintain their properties to a suitable standard by disposing of the offence by way of a fine rather than court.

Charging for enforcement activity is in addition to any final regulatory action and is a legal mechanism for recovering some of the costs associated with having to provide additional resource to undertake enforcement.

- 4.8 Civil penalties were introduced by the Housing and Planning Act 2016 as an alternative to prosecution for specific offences under the Housing Act 2004 relating to private rented properties.

The overriding principle when considering civil penalties is that the person on whom the civil penalty has been issued should not make any financial gain as a result of their failure to comply with the relevant legislation. Effectively the penalty is a bespoke fine, imposed by the council, based on the circumstances of the case.

Under the policy we will consider civil penalties for all landlords that are in breach of one or more relevant sections of the Housing Act 2004 on a case by case basis following the legislation and any national guidance. We have produced detailed guidance for calculating civil penalties based on good practice to support this decision making.

Civil penalty payments will be retained by the Council provided that it is used to further the Council's statutory function in relation to their enforcement actions covering the private rented sector as specified in the regulations.

- 4.9 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 allows for the issuing of penalty charge notices as an alternative to prosecution for offences where smoke or carbon monoxide alarms are either not present or not working. The penalty charge is only considered if the landlord has first failed to comply with a legal notice.

The policy proposes that the charge is set at £5,000 with a reduction to £2,500 for the first breach if the penalty charge is paid within 14 days, repeat breaches will be £5,000 with no discount for early payment. This will be subject to a separate report to full Council to approve the charges.

- 4.10 Charging for enforcement activity is available for certain offences under the Housing Act 2004. This would be in addition to any final regulatory action, including prosecution and fines imposed by the court. It is rather a mechanism identified in the 2004 Act for recovering some of the costs associated with having to provide additional resource to undertake enforcement activity. A specific charge for this will be identified based on officer time and taken to full Council for approval under the fees and charges process.

- 4.11 The policy will be published on our website to ensure businesses and individuals are aware of the standards expected and our approach to enforcement.

- 4.12 The policy will be reviewed no later than 2024.

5. Strategic Priorities

- 5.1 The policy once adopted will contribute to all of the strategic priorities due to the wide reach of the services it will cover.

5.2 Let's drive economic growth

Our enforcement principles are based on working to assist businesses in meeting their legal obligations and focusing on prevention rather than cure. This is an

existing approach based around supporting our businesses to comply with legislative requirements and ultimately succeed.

The policy will also ensure consistent risk based enforcement across our businesses ensuring that those that do not comply with legal requirements or standards, do not benefit.

5.3 Let's reduce inequality

The Health and Environment services are responsible for protecting the health, safety, wellbeing of our residents and environment and ensuring consistent and proportionate enforcement for those that do not comply with legislation. Often it is our most vulnerable residents that are impacted by those committing offences whether that is ASB or landlords failing to maintain their premises.

5.4 Let's deliver quality housing

The policy seeks to ensure that regulation and enforcement is fair and consistent across our private rental sector within the city and introduces new powers to make that more streamlined and robust.

5.5 Let's enhance our remarkable place

The policy applies to service areas dealing with a variety of environmental offences. Whether it is a highly visible offence (littering, dog fouling) or less visible (pollution) the policy seeks to ensure a consistent risk based approach.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

The policy proposes to adopt two types of sanction that may generate income –

- Civil penalties;
- Penalty charge notices;

These will be subject to a separate 'fees and charges' report to full council.

As per section 4.9 above, it is proposed that the charge for penalty charge notices under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 is set at £5,000 with a reduction to £2,500 for the first breach if the penalty charge is paid within 14 days, repeat breaches will be £5,000 with no discount for early payment.

It is not possible to set a specific charge for civil penalties as, by their very nature, they will vary from case to case.

The fees and charges report will also set a specific rate for 'Charging for enforcement activity' as per section 4.10 above.

Given that the council follows the principles of good regulation so that regulatory activity focuses on prevention and helping businesses to comply with legal requirements it is not appropriate to set financial income targets for enforcement activities such as Civil Penalties or Fixed Penalty Notices.

6.2 Legal Implications including Procurement Rules

6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The equality assessment is attached as appendix 2 and concludes that overall there should be a positive impact by ensuring fairness and consistency in our enforcement activities while considering the individual facts of a case.

The policy will have a positive impact on several human rights and freedoms including

- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence

6.4 Human Resources

Most staff within the service areas will already be carrying out enforcement activities in line with the principles of the proposed policy and the guidance it refers to. All staffed will be briefed on the new policy once adopted using team meetings or similar formats to ensure it is embedded. Any training requirements will be identified using existing processes such as 1-2-1's and appraisals.

7. Risk Implications

7.1 (i) Options Explored

The most significant alternative option is to not develop and adopt the policy. This would have two impacts –

- Penalty charge notices and civil penalties would not be adopted;
- Our approach to enforcement would be less robust – While individual enforcement activities are unlikely to be affected (as all enforcement under goes some form of scrutiny to ensure it complies with basic good principles) this policy provides a clear framework that can be used to enhance training for staff and makes it clear to residents, visitors and business alike what our approach to enforcement is.

7.2 (ii) Key risks associated with the preferred approach

The adoption of the proposed policy actually reduces risk by setting a clear policy framework for the delivery of enforcement activities which will lead to improvements in consistency, transparency and quality of enforcement activities.

There is a risk that as we introduce penalty charge notices and civil penalties these will be challenged however this is mitigated by having structured guidance in place.

8. Recommendation

- 8.1 That policy scrutiny committee support the introduction and use of civil penalties, penalty charge notices and charging for enforcement activity.
- 8.2 That the committee note the contents of the report and provide any comments prior to submission 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? TWO
Appendix 1 – Health and Environment Enforcement Policy
Appendix 2 – Equality Impact Assessment

List of Background Papers: None

Lead Officer: Simon Colburn
Assistant Director – Health and Environment
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CITY OF
Lincoln
COUNCIL

Directorate for Communities & Environment

Health & Environment Enforcement Policy 2019 - 2024

Effective Date: 12 November 2019

Signed:

Assistant Director – Health & Environment



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Lincoln's ambitious future



For more information visit:
www.lincoln.gov.uk

Document Control

Organisation	City Of Lincoln Council
Title	Health & Environment Enforcement Policy
Effective Date	12 November 2019
Committee	Policy & Scrutiny - 8 October 2019
Approval	Executive - 20 October 2019
Policy Owner	Assistant Director Health & Environment
Service Managers	Environmental Health & Corporate Safety Manager Public Protection & Anti-Social Behaviour Manager
Publication	www.lincoln.gov.uk
Revocations	Environmental Sustainability Service Enforcement & Prosecution Policy August 2010 Private Sector Enforcement & Prosecution Policy October 2005
Next Review Date	Before November 2024

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Introduction

The City of Lincoln Council's Health & Environment services are responsible for protecting people's health, safety and wellbeing as well as the environment and amenities. Our regulatory focus, through its various compliance and consenting activities and functions, is based around four central principles:

- We will ensure that we enforce the law in a fair, equitable and consistent manner
- We will work to assist businesses and others in meeting their legal obligations
- Our focus will be on prevention rather than cure, where appropriate
- We will take action against those who breach the law or act irresponsibly

This policy applies to the functions carried out by the following services:-

- Environmental Health – Food Safety, Health & Safety, Pollution Control and Private Sector Housing
- Licensing
- Anti-social behaviour & Public Protection

A. Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires the City of Lincoln Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function.

We will exercise our regulatory activities in a way which is:

- (i) **Proportionate** – the Regulators' Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The Public Interest Stage contained in the Code for Crown Prosecutors will always be considered when determining whether it is right to prosecute. Council activities will reflect the impact of the offending on those living in, working in and visiting the city and enforcement action taken will relate to the seriousness of the offence.
- (ii) **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- (iii) **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner.
- (iv) **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (iv) **Targeted** – we will focus our resources on higher risk businesses and activities, reflecting local need and national priorities and intelligence.

B. Regulator's Code

The Regulators' Code has been a central part of the Governments' better regulation principles for some time now. Its aim is to embed a risk based, proportionate and targeted approach to regulatory inspection and enforcement.

The Council have had regard to the Regulators' Code in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant, is outweighed by another provision or does not legally apply to some aspects of regulatory activity. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented. The Regulators' Code can be accessed at:

<https://www.gov.uk/government/publications/regulators-code>

C. The Code for Crown Prosecutors

When deciding whether to prosecute the Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document ([The Code for Crown Prosecutors](#)) and it sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- (a) **Evidential Test** - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, each Authority will consider what evidence can be used in court and is reliable. They must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender for each offence.

- (b) **Public Interest Test** - is it in the public interest for the case to be brought to court?

We will balance factors for and against prosecution carefully and fairly, considering each case on its merits. Before deciding that prosecution is appropriate we will consider the matters which, in the opinion of the City of Lincoln Council, are relevant and will have regard to the public interest. Our decision will reflect the impact of the offending on those living and working in the City.

D. Regulatory Enforcement & Sanctions Act 2008

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority,

and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

E. Conduct of Investigations

All investigations will be carried out under the following legislation and in accordance with statutory powers and controls and any associated guidance or codes of practice, in so far as they relate to the Council:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998
- The Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015
- Data Protection Act 2018
- Equalities Act 2008
- Consumer Rights Act 2015
- Any other relevant legislation that may be in force

Council authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice, such as, Food Standards Agency Code of Practice and practice guidance, HSE enforcement management model and the Housing Health and Safety Rating System Enforcement Guidance. The Council will where necessary produce in-house procedures and guidance to assist officers in making consistent enforcement decisions.

Subject to the needs of an investigation, officers will notify the individuals or business they are subject to an investigation as soon as is reasonably practicable. The Council will endeavour to make timely decisions about the progress of the investigation and decisions on the most appropriate action. The person or business subject to any investigation will be informed of the outcome.

The Council works in partnership and will share data with organisations in accordance with data protection legislation for the purpose of protecting safety, for the prevention and detection of crime and anti social behaviour, problem solving and preventing harm to health. Where it is appropriate and the right action to take the Council will share and receive information from organisations including but not limited to:-

- Police
- Social care
- Health service
- HMRC

- Revenue benefits
- Fire Service
- Health & Safety Executive
- Food Standards Agency
- Environment Agency

Regard will always be had to the requirements of Data Protection legislation and Annex 2 sets out the Data Protection Statement relevant to this policy.

The Council cannot enforce against themselves however, breaches of legislation found in premises owned or run by the Council will be treated in the spirit of this policy as would a breach in other premises. Details of the breach will be brought to the attention of the Chief Executive, appropriate Director, Assistant Director and City Solicitor.

F. Enforcement Sanctions

In ensuring that the main objective of enforcement action is achieved, the Council will consider all appropriate enforcement actions available to it, having regard to:-

- whether a statutory standard has not been achieved
- whether an offence has been committed
- whether the offence has caused harm or is likely to cause harm
- the seriousness of the offence
- the history of the activity
- confidence in achieving compliance
- consequences of non-compliance
- the likely effectiveness of the various enforcement options
- the existence of any guidance in the form of Codes of Practice, Government Circulars etc.

Appropriate enforcement action that can be taken includes but is not limited to:-

i. NO ACTION

There may be cases where contraventions of the law and findings from an inspection or investigation may not warrant any further legal action. Reasons for taking no action are considered on a case by case basis. Any details recorded about non-compliance may be used as a basis for judgement on future enforcement action.

ii. COMPLIANCE ADVICE, GUIDANCE AND SUPPORT

The Council use compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified.

Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal notice') will set out what should be done to rectify the breach and to prevent re-occurrence. We

will always make it clear what is a legal requirement and what is a recommendation of best practice. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council will have regard to whether a business belongs to and complies with any voluntary accreditation scheme when deciding an appropriate enforcement response.

The Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution, imposing a civil penalty or prosecution, is taken, the Council recognises that there is likely to be an on-going need for compliance advice and support, to prevent further breaches.

iii. VOLUNTARY UNDERTAKINGS

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

iv. STATUTORY (LEGAL) NOTICES

In respect of many breaches the Council have powers to issue statutory notices. Examples of these include but are not limited to: 'Stop Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of works in default, the costs of which may be recovered at a later date.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be completed. It is likely to require that any breach or non-compliance is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient at the time of serving the statutory notice.

In the event of non-compliance, and in appropriate cases, costs associated with works in default may be recovered by registering as a local land charge on the property.

v. DETENTION AND SEIZURE OF GOODS/EQUIPMENT

Certain legislation enables authorised officers to detain and seize goods, equipment or documents. Examples of when this may take place include where there is unsafe food;

unsafe goods likely to cause an imminent serious health and safety issue; sound equipment that is being used to cause a statutory nuisance; evidence that is for possible future court proceedings.

vi. FIXED PENALTY NOTICES (FPN)

The Council have powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach. If a fixed penalty is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is considered more appropriate than the issue of a fixed penalty notice.

vii. CIVIL PENALTIES

Section 126 and Schedule 9 of the Housing and Planning Act 2016 enables the Council to impose a civil penalty of up to £30,000 per offence as an alternative to prosecution for specific offences under the Housing Act 2004.

The overriding principle when considering civil penalties is that the person on whom the civil penalty has been issued should not make any financial gain as a result of their failure to comply with the relevant legislation.

Civil penalties may be imposed on the owner, person having control, or the licence holder of a property, as appropriate. The Council considers that the most likely recipients of civil penalty notices will be those persons who are involved in the owning or managing of private rented properties. However, the Council does have the power to impose them on tenants of Houses in Multiple Occupation for offences under section 234 of the Housing Act 2004, and will consider doing so where it is deemed appropriate.

A civil penalty can be considered as an alternative to prosecution for any of the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of HMOs (section 72);
- Offences in relation to the licensing of houses under Part 3 of the Act (section 95);
- Contravention of an overcrowding notice (section 139);
- Failure to comply with the management regulations in respect of HMOs (section 234).

The Council will consider civil penalties for all landlords that are in breach of one or more of the sections of the Housing Act 2004 listed above. Enforcement action will be considered on a case-by-case basis.

Where a person has committed multiple offences, and a civil penalty could be imposed for each one, the Council will consider as to whether it is just and proportionate to impose

a penalty for each offence. Deciding not to impose a civil penalty for some of the offences does not mean that other appropriate enforcement sanctions, as listed in this policy, cannot be pursued for those offences.

Prior to imposing a civil penalty, the Council will serve a notice of intent and this will give the recipient an opportunity to make representations against the proposed civil penalty.

Where a person or company fails to pay the civil penalty, the Council will refer the case to County Court for an Order of that Court. If necessary, county court bailiffs will be instructed to enforce the order and recover the debt as set out in the statutory guidance.

Civil penalty payments will be retained by the Council provided that it is used to further the Council's statutory function in relation to their enforcement actions covering the private rented sector as specified in the regulations.

Any decision to impose a civil penalty will be approved by the Assistant Director – Health & Environment.

The Council's Civil Penalties Procedure & Guidance provides further detail on how the penalties are calculated. [\(add link and www address\)](#)

viii. PENALTY CHARGE NOTICES – Statement of Principles

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 allows for the issuing of penalty charge notices. Private sector landlords are to:-

- Install at least one smoke alarm on every storey of their property
- Install a carbon monoxide alarm in any room containing a solid fuel burning appliance
- Check that these alarms are in working order on the day a new tenancy begins.

When setting the penalty charge, the Council's considered the following factors.

1. The financial penalty for the breach should act as a deterrent for the future.
2. Before any penalty charge is made, the landlord is given the opportunity to do the work through the service of a remedial notice.
3. The likely impact on tenants and associated risk to their health, safety and wellbeing.
4. The cost of the Council of undertaking works in default.
5. First or repeat breaches.
6. Officer time and costs to investigate and serve remedial notice and penalty charge notice.
7. Administrative costs in organising works in default.

The maximum penalty that can be charged is £5,000. The penalty should be a deterrent as the remedy is relatively simple and low cost but the risks associated with non-compliance are high, the penalty has been set at £5,000 with a reduction to £2,500 for the first breach if the penalty charge is paid within 14 days, repeat breaches will be £5,000 with no discount for early payment.

ix. BANNING ORDERS

Where a landlord has been successfully prosecuted for a banning order offence, the Council can apply to the First-Tier Tribunal (Property Chamber) for a banning order against the landlord. A banning order will last for at least 12 months and means that the subject of the order cannot:

- Let housing in England;
- Engage in English letting agency work;
- Engage in English property management work;
- Hold a license under Part 2 or Part 3 of the Housing Act 2004.

“Banning order offence” refers to an offence of a description specified in regulations made by the Secretary of State.

x. RENT REPAYMENT ORDERS

Where housing benefit has been paid to a landlord and the Council is satisfied that the landlord has committed one or more specific offences, the Council can apply for a Rent Repayment Order. Where the landlord is convicted of one of the relevant offences, the Council is under a duty to consider applying for a Rent Repayment Order. The specific offences for which an order can be sought are as follows:

- Failure to comply with an Improvement Notice (Housing Act 2004, Section 30)
- Failure to comply with a Prohibition Order (Housing Act 2004, Section 32)
- Offences in relation to licensing of HMO’s (Housing Act 2004, Section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (Housing Act 2004, Section 95)
- Breach of a Banning Order (Housing and Planning Act 2016, Section 21)
- Using violence to secure entry to a property (Criminal Law Act 1977, Section 6)
- Illegal eviction or harassment of the occupiers (Protection from Eviction Act 1977, Section 1)

The Council will usually apply for the full amount that can be recovered and lesser amounts will only be sought in exceptional circumstances.

xi. INTERIM OR FINAL MANAGEMENT ORDERS

The Council is under a duty to apply for an interim management order where a property requires a licence, or will after the current one is revoked, but there is no reasonable prospect of it becoming licenced or there are significant health and safety concerns at the property. An interim management order can be made for up to 12 months. Where an interim management order is coming to an end and the criteria for applying for the order still apply, the Council can apply for a final management order, which can be made for up to 5 years.

Whilst a management order is in place, the Council, or an agent appointed by the Council, will be responsible for managing the property and carrying out any works that are required. The Council will receive the rental income and deduct any relevant expenditure from this amount before transferring the excess, if any remains, to the landlord.

xii. INJUNCTIVE ACTIONS, ENFORCEMENT ORDERS etc.

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council are required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

xiii. SIMPLE CAUTION

The Council have the power to issue simple cautions as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will consider prosecution. Any decision to offer a simple caution will take into account the criteria set down in the Code for Crown Prosecutors and approved by the Assistant Director – Health & Environment and in consultation with the Council's legal services.

A simple caution will appear on the offender's criminal record. It is likely to influence how the Council deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

xiv. PROSECUTION

Where the circumstances warrant it and the alternative actions detailed previously in this policy are considered inappropriate, then prosecution may result. Any decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors and approved by the Assistant Director – Health & Environment and in consultation with the Council's legal services.

The Council may prosecute without prior warning or recourse to alternative sanctions where the circumstances warrant it and the evidence to support the case is available.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s). Due

consideration will be given to the availability and compliance with any relevant statutory defence.

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the public interest and, where appropriate, the views of any victim, injured party or other relevant person or impact on the community.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any assets or profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

xv. REFUSAL/SUSPENSION/REVOCAION OF LICENCES

The Council issue a number of licences and permits. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Licences can be revoked where any term of the licence has been breached or where other offences have been committed which mean that the persons involved are no longer fit and proper persons for licensing. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment. A review of a licence may be considered in addition to or as an alternative to any other action.

When considering future licence applications, the Council may take previous breaches and enforcement action into account.

The council will have regard to its own policies and schemes, including the [Scheme for Mandatory Licensing of Houses in Multiple Occupation](#) and the Statement of Licencing Policy – Licencing Act 2003 (add link) when determining whether to grant, refuse, suspend, revoke or vary a licence.

xvi. OTHER ENFORCEMENT OPTIONS

The above listed options 'i – xv' are not an exhaustive list and there may be other options available dependent upon the legislation being used that whilst the legislation itself is statutory some of the available enforcement options contained therein may be civil actions.

G. Charging for enforcement activity

The following activities the Council can recover costs:

- (a) Works in default
- (b) Housing Act 2004 - a charge for Notices served and Orders made under Part 1 of the Act the amount if set is part of the Council's fees and charges and is subject to annual review. Under section 49 of the Act a charging notice can be served on the

responsible party. If there is an appeal against the notice then the charge will not be applied until the appeal is resolved and subject to the notice being confirmed by the tribunal. There is no right of appeal against a charging notice; only to the notice or order to which the charge relates.

- (c) Legal fees –incurred as a result of a prosecution.

H. Media Publicity

Media coverage will normally be sought in the following cases:

- The offence is widespread in the area and coverage will assist in securing compliance by others;
- To draw attention to particular issue or set of hazards;
- The offence is serious and/or was committed wilfully and the Council wishes to draw attention to their willingness to take a hard line in such cases;
- Coverage is otherwise in the public interest;
- A press release will be issued about convictions where it is considered that publicity will bring in benefits by promoting compliance with those statutory requirements designed to protect the health, safety and welfare of customers, residents, workers and visitors, as well as the wider environment.

I. Appeals

Where any enforcement action is conducted under legislation which contains a specific appeals procedure, you will always be advised of that procedure at the required time.

J. Complaints

Should you have any concerns or complaints about the actions of any authorised officers then these should be made in the first instance to the manager of the service or team in question. A response to the complaint would be expected within 10 working days; if we are unable to respond within 10 working days we will respond and let you know when you can expect a response. If this does not resolve the complaint the Council also has a formal complaints procedure which is published on the Council's website at <https://www.lincoln.gov.uk/lincoln/make-a-formal-complaint/>

K. Monitoring and Review

Investigating Officers will have regard to this policy when considering enforcement actions and when consultating with the Service manager, when seeking approval from the Assistant Director and consultation with legal services team of the Council. Where appropriate the Council will monitor compliance against this policy. This policy will be reviewed at least every 5 years and any supporting procedures or guidance for Officers will be regularly reviewed.

ANNEX 1 – List of Legislation

This list is not exhaustive but does list legislation which are relevant to this Enforcement Policy:-

Animal Boarding Establishments Act 1963
Animal Health Act 1951
Animal Welfare Act 2006
Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018
Antisocial Behaviour Act 2003
Antisocial Behaviour, Crime and Policing Act 2014
Breeding of Dogs Act 1973
Building Act 1984
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Dogs Order 1992
Control of Horses Act 2015
Control of Pollution Act 1974
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Crime Justice and Public Order Act 1994
Criminal Law Act 1977
Dangerous Dogs Act 1991 (as amended)
Dangerous Wild Animals Act 1976 (as amended)
Dogs Act 1871
Dogs Fouling of Land Act 1996
Environment Act 1995
Environmental Protection Act 1990
Factories Act 1961
Food Safety and Hygiene (England) Regulations 2013
Food & Environmental Protection Act 1985
Food Safety Act 1990
Gambling Act 2005
Guard Dogs Act 1975
Health Act 2006
Health & Safety at Work etc. Act 1974
Housing Act 1957, 1985 and 1996
Housing Act 2004
Housing and Planning Act 2016
Housing (Grants, Construction and Regeneration) Act 1969
Hypnotism Act 1952
Licensing Act 2003
Lincoln City Council Act 1985
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976 and 1982
National Assistance Act 1948 & 1951
Noise and Statutory Nuisance Act 1993

Noise Act 1996
Offices, Shops & Railway Premises Act 1963
Pet Animals Act 1951
Police Factories etc. (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Protection from Eviction Act 1977
Public Health Act 1936 and 1961
Public Health (Control of Disease) Act 1984
Rag, Flock and other Filling Materials Act 1951
Refuse Disposal (Amenity) Act 1978
Riding Establishments Act 1964 and 1970
Road Traffic Act 1988 and 1991
Scrap Metal Dealers Act 2013
Smoke Alarm and Carbon Monoxide Alarm Regulations 2015
Sunday Trading Act 1994
Town Police Clauses Act 1847 and 1889
The House to House Collections Act 1939
The Management of Houses in Multiple Occupation (England) Regulations 2006
The Microchipping of Dogs (England) Regulations 2015
The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974
The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012
Town and Country Planning Act 1990 s215, 219, 224 and 225
The Enterprise and Regulatory Reform Act 2013, s83,84 and 85
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc.) (England) Order 2014
Transport Act 1980 and 1985
Water Industry Act 1991 and 1999
Zoo Licencing Act 1981

Annex 2 – Data Protection Statement

The Council, the data controller takes its responsibilities seriously under the Data Protection Act 2018 and General Data Protection Regulations to ensure that any personal data it collects and uses is done so fairly, lawfully, proportionately, correctly and safely.

For information about what is, personal data please see the Information Commissioner's Office website: [What is personal data](#)

The privacy notices available below are those which relate to this Health & Environment enforcement policy and describes what data will be collected, how it is used, retained and disclosed. The personal data provided will not be retained for longer than necessary and within each privacy notice the data retention schedule can be viewed.

The Environmental Health privacy notice can be found at this web address [www.](#) or use this link - [Environmental Health privacy notice](#)

The Public Protection and Anti-Social Behaviour privacy notice can be found at this web address [www.](#) or use this link - [Public Protection and Anti-Social Behaviour privacy notice](#)

The Licensing privacy notice can be found at this web address [www.](#) or use this link - [Licensing privacy notice](#)

Annex 3 - Equality and Access Statement

All of our customers are treated equally under this regulatory and enforcement policy.

However, City of Lincoln Council is committed to equality of opportunity for all taking into account the differences of race, gender, gender identity, religion, belief, sexual orientation, age, disability, pregnancy and maternity and marriage and civil partnership, and should an individual case indicate a potential additional impact because of one of these characteristics we will take this into account when applying the policy.

The organisation will uphold the human rights of all of its staff and service users in accordance with the Human Rights Act 1998.

In all of our regulatory and enforcement activities we will ensure we adhere to the Council's Equality, Diversity and Human Rights Policy ([add link](#)) and we will work to ensure that information and services are accessible. We will work to reduce the barriers people may face, for example due to disability or language by arranging appropriate translation, interpretation or transcription materials or equipment where appropriate or necessary.

~END~

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Equality with Human Rights Analysis Toolkit



SECTION A

Name of policy / project / service	Health & Environment Enforcement Policy 2019 - 2024
Background and aims of policy / project / service at outset	<p>The policy seeks to clarify the principles under which the Health and Environment service area will undertake regulatory activity. These are</p> <ul style="list-style-type: none"> • We will ensure that we enforce the law in a fair, equitable and consistent manner; • We will work to assist businesses and others in meeting their legal obligations; • Our focus will be on prevention rather than cure, where appropriate; • We will take action against those who breach the law or act irresponsibly. <p>It also specifies which guidance we will follow and clarifies a range of enforcement powers and introduces and adopts civil penalties and penalty charge notices.</p> <p>The policy covers the following services</p> <ul style="list-style-type: none"> • Environmental Health – Food Safety, Health & Safety, Pollution Control and Private Sector Housing • Licensing • Anti-social behaviour & Public Protection
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Simon Colburn Assistant Director – Health and Environment
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Simon Colburn - Assistant Director Health and Environment Sara Boothright – Environmental Health and Corporate Safety Manager Francesca Bell – Public Protection, ASB and Licensing Manager

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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 and if appropriate who you have consulted with*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age 34	X			<p>The policy aims to ensure that any enforcement activity is carried out in a fair, equitable and consistent manner considering relevant legislation and good practice guidance and taking the facts and specifics of every case into account (a persons protected characteristics if known may be one of those)</p> <p>While the policy is unlikely to directly have any specific positive or negative impacts on any protected characteristics as a group it should ensure that these factors are consistently considered on individual cases and the policy should provide reassurance that we act in a fair and consistent manner while considering the individual facts of a case.</p>	NA	
Disability including carers (see Glossary)	X			As above	NA	
Gender re-assignment	X			As above	NA	
Pregnancy and maternity	X			As above	NA	
Race	X			As above	NA	

Religion or belief	X			As above	NA	
Sex	X			As above	NA	
Sexual orientation	X			As above	NA	
Marriage/civil partnership	X			As above	NA	
Human Rights (see page 8)	X			In ensuring fair, equitable and consistent enforcement following appropriate good practice the policy will positively support several human rights and freedoms including <ul style="list-style-type: none"> • Right to a fair trial • No punishment without law • Respect for your private and family life, home and correspondence 	NA	

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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):

- | | |
|---|------------------|
| | Tick here |
| • No equality or human right Impact (your analysis shows there is no impact) - sign assessment below | [X] |
| • No major change required (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below | [] |
| • Adverse Impact but continue (record objective justification for continuing despite the impact)-complete sections below | [] |

- **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made []
- **Put Policy on hold** (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress []

Conclusion of Equality Analysis (describe objective justification for continuing)	The EA concludes that overall there should be a positive impact by ensuring fairness and consistency in our enforcement activities while considering the individual facts of a case. The policy will have a positive impact on several human rights and freedoms.
--	--

When and how will you review and measure the impact after implementation?*	Equality and vulnerability issues will be considered for each enforcement case. If issues are identified from the policy itself then a review of the policy will be initiated at that time. Other than that the policy will be reviewed in 2024
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Checked and approved by responsible officer(s) (Sign and Print Name)	Simon Colburn	Date	25 September 2019
Checked and approved by Assistant Director (Sign and Print Name)	Simon Colburn	Date	25 September 2019

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

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

POLICY SCRUTINY COMMITTEE

8 OCTOBER 2019

SUBJECT:	POLICY SCRUTINY WORK PROGRAMME 2019/20 AND EXECUTIVE WORK PROGRAMME UPDATE
REPORT BY:	CHIEF EXECUTIVE & TOWN CLERK
LEAD OFFICER:	CLAIRE TURNER, DEMOCRATIC SERVICES OFFICER

1. Purpose of Report

1.1 To present the Policy Scrutiny Committee Work Programme for 2019/20 and receive comments and considerations from members with items for the municipal year 2019/2020 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 2019/20 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 2019/20

18 June 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Community Infrastructure Levy Policy	Toby Forbes-Turner	Asked for at February 2019 meeting
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Policy Scrutiny Work Programme 2019 -2020	Democratic Services	Regular Report

20 August 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Interim Air Quality Action Plan	Ian Wickes	
Acquisitions Policy Addendum	Kate Bell	Revised Policy

8 October 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Health and Environment Enforcement Policy	Simon Colburn	Moved from 12 th March 2019 /20 August 2019
Safeguarding Policy	Paula Burton	
Policy Scrutiny Work Programme 2019 -2020	Democratic Services	Regular Report

Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
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26 November 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Key Holding Post Implementation Review	Simon Colburn	Requested at meeting held on 28 November 2017
Parking on Grass Verges – Position Statement	Simon Walters	Requested at meeting held on 20 August 2019
Protecting Vulnerable People Update	Kate Ellis	Annual Update requested at meeting held on 12 November 2018.
Annual Scrutiny Report	Democratic Services	
Council Tax Support Scheme 2021/21	Claire Moses	As part of consultation process
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

14 January 2020

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Regulation 7 Direction on Lettings Boards Review	Donna Morris	Requested at meeting held on 16 January 2018
Corporate Document Review	Becky Scott	
Lincoln Social Responsibility Charter	Heather Grover	Requested at meeting held on 16 January 2018

Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

10 February 2020

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Vision 2025	Pat Jukes	

17 March 2020

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Review of PSPO at St Peters Passage	Francesca Bell	Requested at meeting held on 9 October 2018
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

Unscheduled Topics

- **Review of Community Infrastructure Levy Policy**
- **Social Media Policy**
- **Review of Procurement Policies**

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EXECUTIVE WORK PROGRAMME

October 2019 - September 2020

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.

EXECUTIVE WORK PROGRAMME SUMMARY

Date of Decision	Decision	Decision: Summary	Decision Taken By	Key Decision	Exempt Information
23 September 2019	Acquisition Policy Addendum	To approve an amendment to the Acquisition Policy	Executive	No	Public
23 September 2019	Statement of Accounts 2018/19	Approval for referral to Full Council for the Statement of Accounts 2018/19	Executive	No	Public
23 September 2019	IT Infrastructure Replacement	To authorise funding to facilitate replacement IT infrastructure.	Executive	Yes	Private
28 October 2019	Birchwood Community Land Trust	To determine options to progress scheme	Executive	No	Public
28 October 2019	Housing Solutions Management of Change	To seek approval to increase the establishment within Housing Solutions team.	Executive	No	Private
28 October 2019	Street Scene Contracts	Approach to be taken for the provision of these services when the existing contract ends in 2022	Executive	Yes	Private
28 October 2019	Localised Council Tax Support Scheme 2020/21	1) Consider the proposed City of Lincoln Council's Localised Council Tax Support scheme for 2019/20 for public consultation and scrutiny with agreed options to be put forward for consultation;	Executive	Yes	Public
28 October 2019	Greyfriars Project	Approval of a grant bid submission to the National Lottery Heritage Fund for improvement works to Greyfriars along with commitment of match funding from the Council	Executive	Yes	Public
28 October 2019	Financial Services: Business	Approval of structural changes within	Executive	Yes	Private

	Partnering and Restructure	the Financial Services team required to enable a new approach to the provision of financial support within the Council along with delivery of TFS savings target.			
28 October 2019	Setting the 2020/21 Budget and Medium Term Financial Strategy 2020-25	To approve the budget parameters for 2020/21 and future years and to note the significant financial challenges the Council	Executive	No	Public
25 November 2019	Zero Carbon progress report	To consider the progress and approve the delivery recommendations	Executive	Yes	Public
25 November 2019	Bereavement Services Business Case	To consider the Business Case associated with Bereavement Services.	Executive	Yes	Private
25 November 2019	New Build Housing Programme Update	Financial commitment for Rookery Lane development Approval to progress with proposed design Financial commitment for demolition of Garfield View and Woodburn View	Executive	Yes	Partly Private
25 November 2019	Universal Credit Support	Confirm Universal Credit Support arrangements April-June 2019 and for a range of options to be provided for consideration prior to July 2019 for future arrangements.	Executive	No	Private
26 November 2019	Universal Credit Support	To consider the level of Universal Credit Support arrangements delivered within the shared service.	Shared Revenues and Benefits Joint Committee	Yes	Private
06 January 2020	Localised Council Tax Support Scheme 2020/21	To approve recommendations of consultation Nov 2019'	Executive	Yes	Public
06 January 2020	New Homes Strategy	To approve the New Homes Strategy	Executive	Yes	Public

24 February 2020	Vision 2025 - City of Lincoln Council Strategic Plan	Key decision Executive to approve proposals for the format, content and projects proposed included in the 5 year Vision 2025 corporate plan.	Executive	Yes	Public