



SELECT SCRUTINY COMMITTEE

Tuesday, 7 January 2020

6.00 pm

**Committee Room 1, City
Hall**

- Membership: Councillors Jane Loffhagen (Chair), Bill Bilton, Gary Hewson (Vice-Chair), Helena Mair and Edmund Strengiel
- Substitute members: Councillors Laura McWilliams and Liz Bushell
- Officers attending: Democratic Services and Simon Walters (Strategic Director of Communities and Environment)

AGENDA

SECTION A	Pages
1. Minutes of the previous meeting held on 24 July 2019	3 - 8
2. Call In of Decision - Shearwater Trees	9 - 24

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Present: Councillors Councillor Jane Loffhagen (*in the Chair*), Gary Hewson

Apologies for Absence: Councillor Bill Bilton, Councillor Helena Mair, Councillor Edmund Strenziel and Simon Walters

Also in Attendance: Chief Superintendent Nikki Mayo, Marion Cooney and Sarah Loftus

18. Confirmation of Minutes - 25 July 2018

The Chair welcomed members and guests to the meeting which was sitting as the Crime and Disorder Scrutiny Committee.

The minutes of the meeting held on 12 December 2017 were received.

19. Declarations of Interest

No declarations of interest were received.

20. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

21. Lincolnshire Police - Lincoln Performance Overview

Chief Superintendent Nikki Mayo:-

- a) presented the Police Performance Overview for Lincoln which covered the period up to 31 March 2018
- b) explained that they were trying to reduce demand in the control room
- c) highlighted that there were concerns over safety with regards to people walking out of hospital unsupervised as well as that area being a hot spot for call outs from the prison and PHC (Peter Hodgkinson centre) so calls had generally increased
- d) invited members' comments and questions

Question: Why had there been an increase in demand in the north of Lincoln?

Response: Due to the demand of patients from Hospital/Prison/PHC there was further work being carried out to increase security for the PHC, it was proving to be a huge challenge.

Question: In relation to the statistics that were presented did these only highlight the calls that were answered?

Response: Yes. They only showed when an incident had been created whether it was urgent or would require to be signposted.

Question: Was the reduction in Anti-Social Behaviour queries due to people calling the City of Lincoln Council and other networks?

Response: They were the statistics that were reported to the call centre although staff had tried to direct calls through to 101 and the street intervention team.

Question: In regards to the number of calls where an incident was created, were 101 calls always being answered?

Response: There had been delays. The statistics showed the calls that were answered but there were plans to look into 101 calls to make improvements.

Questions: With regards to 101 calls, if the call was delayed would it eventually be answered?

Response: There would be a delay however it would be answered eventually. A G4S partner was currently managing the control room. There would be a potentially review on freeing up capacity in the control room to allow for more calls to be answered.

Nikki May explained that there were currently issues with the training that drivers were undertaking which lead to blue light calls being timed out and response times were being delayed further as a result.

Question: What response times did forces in other areas have?

Response: It was standard time across the board. Others had 20 minutes response time rather than 15 minutes due to being in a rural area.

Question: Was there any indication of other police stations closing down soon?

Response: Bracebridge Heath station was closing and staff were moving to South Park. Birchwood remained open at the moment.

Question: When would the new Fire/Police station be opening?

Response: Hopefully the end of September. It was originally going to be the beginning of September but some snagging issues caused delays.

Question: Who was the training organiser for Domestic Abuse?

Response: A lady called Sarah within the force would be able to provide more information on training.

Question: Were the figures for common assault without leading to injury part of the statistics?

Response: No, only what was reported.

Nikki Mayo explained that Operation Argentina had carried out investigations into drug use and begging in the City Centre. From this taking place it had

significantly decreased in 2019 compared to 2018 and the setting up of the Evita team had helped hugely to achieve this.

Question: Did the Police identify the drug suppliers?

Response: One strategy of Operation Argentina was cutting to dealers. There were a couple in Sleaford who were caught and the customers objected to it. It had proved to be very successful.

RESOLVED that the contents of the report be noted with thanks by members'.

22. Inclusion or Press and Public

It was noted at this point in the proceedings that the press and public were permitted to re-join the meeting as there was no further 'exempt information' to be discussed, although there were no press/public present in the public gallery this evening.

23. Anti-Social Behaviour Across Lincoln City

Francesca Bell, Public Protection, ASB and Licensing Service Manager:

- a) presented to the committee an overview of the current level of Anti-Social Behaviour (ASB) across the city.
- b) explained that the Lincoln Intervention Team was launched in October 2018 and currently had funding until December 2020. The team was working to reduce on-street Anti-Social Behaviour (ASB) by holistically working with individuals to deal with the root cause of their behaviour. The team included an ASB Outreach Officer, Mental Health Nurse Outreach Officer, Addaction Outreach Officer and a Team Coordinator.
- c) highlighted that from 1st April to 31st March 2019 the PPASB team received 3181 requests across all of their service areas including Anti-Social Behaviour, noise nuisance, animal related concerns, littering, dog fouling, fly tipping, condition of properties, bins on the streets and many others.
- d) invited members' comments and questions.

Question: How did the intervention team fit in with the police? What were their powers?

Response: The intervention team all sat within a few feet of each other and powers were shared through evidence gathering with the police.

Question: Was begging considered an offence?

Response: Yes, through old law. Community Protection notices dealt with the issue though which could lead to a criminal behaviour order.

Question: Had the number of begging incidences reduced?

Response: Yes, with the help of partnership working and through the rough sleeper project etc.

Question: How much was the fixed penalty notice for littering?

Response: £75 reduced to £50 if paid early.

Question: If a garden was overgrown and a complaint was made, could enforcement action be taken?

Response: Yes, however there were a number of steps to go through e.g. warning letter etc.

Question: Did injunctions apply to an area under a PSPO?

Response: Yes, anyone in that area would be subjected to it.

Question: Had any City of Lincoln Council staff experienced violent and threatening behaviour?

Response: No incidents had been reported. They had experienced a small amount of aggressive behaviour but it wasn't severe enough to report.

RESOLVED that the contents of the report be noted.

24. City Centre Intervention - Update (Verbal Report)

This update was covered within agenda item 5.

25. Lincoln Business Improvement Group - Update (Verbal Report)

Sarah Loftus, representing, Lincoln Business Improvement Group:

- a) provided a brief introduction about herself and her role as Chief Executive
- b) explained the role of Lincoln BIG in the City of Lincoln which included:
 - being funded by local businesses in the city
 - 400K had been raised from the Bid Levy
 - 5 key areas were being focused on, one being security and begging
 - the implementation of Ask Angela
 - diverting people from giving to the homeless to giving to charity
 - the relaunch of the Shopwatch scheme which now had 359 members
 - drinks detective scheme – 10 venues had signed up to the scheme
 - supporting Street Pastors
 - the running of the bus scheme and car park scheme for BIG levy payers
- c) invited members' comments and questions.

Question: How did Ask Angela work?

Response: If an individual felt uneasy around someone they would report it to the bar staff by saying "Ask Angela". The bar staff would then arrange suitable transport home.

Question: Between 6pm and 8pm seemed to be the most unsafe time to be in town alone. Was something being done to help this?

Response: It had been highlighted however it needed to be reported more.


The Chair thanked members of Lincoln Business Improvement Group for all their good work in partnership with other stakeholders. It was great to see businesses getting together and something positive being done.

RESOLVED that the verbal update be noted with thanks.

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PORTFOLIO HOLDER DECISION NOTICE

Portfolio Holder:	Remarkable Place
Decision Title:	Shearwater Trees
Purpose of Report:	To consider options and determine a course of action in response to complaints from a neighbour, relating to trees damaging his garden wall. 7 trees adjacent the wall, 3 directly. A number of mature pines.
Decision:	To retain the trees and repair the wall, reshaping it marginally into the neighbour's garden so as to safeguard the trees and provide a reasonable solution.
Alternative Options Considered and Rejected:	<u>Rejected options.</u> 1. Remove all or some trees and repair the wall. 2. Offer to rebuild the wall further into the neighbour's garden, so as to leave the trees.
Reason for Decision:	The trees are in good health and preceded the building of the boundary wall. They are significant mature specimens, and despite potentially being the cause of damage to the wall, pose no identified extra risk to the property (house) than any other trees in that situation. The damaged wall is manageable without posing a risk to persons. The neighbour has refused to permit the wall to be moved to within his existing property boundary.
Is the decision a Key Decision?	No
Is the decision subject to Call In?	Yes
Does the decision relate to any exempt information?	No

Signed: 

Councillor Bob Bushell, Portfolio Holder for Remarkable Place

Date of Decision: **23rd October 2019**

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SCRUTINY CALL - IN REQUEST FORM

SCRUTINY PROCEDURE RULES (14-15)

(To be completed by at least 2 Members)

All parts of this form must be completed.

1. DECISION

Title.....Shearwater Trees.....

Minute No.....

Date Taken.....23/10/2019.....

Decision Maker.....Cllr Bob Bushell.....

<p>The Ground(s) for Call-In is:</p> <p>That the decision making does not appear to have taken historical facts about this complaint and previous works carried out on this wall into account</p>	<p>The reasons supporting the ground(s) is:</p> <p>1 The health of the trees has never been in question however the damage caused is the grounds for asking for the work to be done 2 Originally the complaints were from Mr Peters and his neighbour, and the neighbour's wall was rebuilt away from the trees, both still stand without impact on each other. 3. Previous work has been carried out by the council to the wall because of its accepted responsibility which includes :- (a) cosmetic repairs etc approx. 2000 (b) 2011 Insertion of Heli fix bars to bond the walls ,repointing , + installation of lintels to protect roots etc (c) 2017 Removal of pillars due to further fracturing and risk of falling and temporary replacement with wooden panels pending a permanent solution agreeable to both parties Throughout all of this the trees and the wall were monitored on an ongoing basis by the tree officer. 4. There were several meetings between Mr Peters and officers some of which I attended, however this culminated in February 2019 with a "Technical Specification for brickwork wall for remediation works Hartsholme Country Park and properties on Shearwater Close Lincoln" being drawn up between City of Lincoln Council and Blue Sky consultants. (Copy attached)</p>
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This was agreed to by Mr Peters and was taken back by officers for ratification and decision for approval.

5. This work includes the felling of the three trees in contact with the wall and the rebuilding of the wall as good

6. Through all this time the trees have been constantly in contact with the wall. As they grow they increase the pressure on the wall and damage increases.

7 The wall is built on the foundations of the original park wall so they are contemporary of each other. When constructed the wall and trees were apart

8The solution of leaving the trees and rebuilding the wall within Mr Peters land against his wishes, is not agreeable to him and I would question its enforceability and legality.

Suggesting an outcome –

That the decision is reversed and 'rejected' option one:-

Remove all trees in contact with the wall and repair the wall implemented

Call-in supported by the following members:-

Name Cllr Ron Hills.....

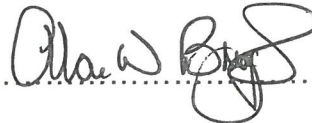


Signature/date.....

4/11/19

Name Cllr Alan Briggs.....

Signature/date.....



5/11/19

R Peters Esq
12 Shearwater Close
Lincoln
LN6 0XU

23 November 2017

Dear Mr Peters

Our ref 9696: Boundary Wall to the Rear of 12 Shearwater Close

I have now had an opportunity to go through the files you kindly left with me in order to refresh my memory of the background to this long running saga. This report is primarily to consider where we are over twenty years after you first advised Lincoln City Council that the trees in Hartsholme Park were causing damage to the rear boundary wall of your property.

I provided advice to you in July 1997. I commented upon a report prepared by Loss Adjusters, Ellis and Buckle, who were acting for the insurers of Lincoln City Council. They had recommended cosmetic repairs to your wall that they admitted had been damaged by the effects of physical pressure applied to the wall by the Scots Pine trees located within Hartsholme Park. I refuted their suggestion that cosmetic repairs alone would solve the problem in the long term.

Subsequently I understand that cosmetic repairs, along with the installation of lintels above the roots to reduce the effect of heave was finally undertaken in 2011. Additionally, existing diagonal cracks in the wall were reinforced with Helifix bars. Ward Cole acted as the Consulting Engineers for Lincoln City Council and Mr Stanton of Ward Cole e-mailed representatives of Lincoln City Council and yourself on 19th September 2011 to advise on the scheme that had been installed. I have included a paragraph from this e-mail:

There are, of course, tolerances to the extent of lateral and thermal movement that can be experienced within a solid brick structure, the specification and repairs providing a solution for the foreseeable future, however should extensive growth be experienced within the trees (sic), or sway from unusually high winds or the trees be felled, then, of course, there is a potential for the wall to become damaged (sic).

I observe that It is not unreasonable to foresee that the trees will continue to grow and that high winds will, from time to time occur!



scheme that was proposed by Ward Cole did not address the fact that the trees at the time were in contact with the wall and specifically the parapets that were fractured horizontally by the direct contact of the trees were not reinforced. Therefore, inevitably, further damage has occurred to the wall leaving the parapet, where trees are in contact with the wall, in a dangerous condition. I enclose a photograph of the parapet location and note that the

10mm crack has occurred in the time since repairs were undertaken in 2011. Furthermore, at lower level horizontal fracturing has appeared on the line of a repaired fracture. It is apparent that this damage is neither controlled or contained by the repairs undertaken in 2011. The scheme devised by Ward Cole at this time was, therefore, ineffective as implied by the statement from Jeremy Stanton quoted above implies.



Your neighbours, at the time, Dr and Mrs Emara, were also in dispute with Lincoln City and we advised them, as we had you, that the only effective method of dealing with the damage was to rebuild the wall on piles and isolated foundations, accommodation the roots and providing a sufficient distance between the wall and the trees to allow for future growth and movement. This scheme was adopted by Lincoln City Council for Dr Emara's property, and the scheme has been effective as no damage is apparent. This scheme was undertaken in 2002, and Ward Cole drew up the scheme that was subsequently constructed.

One may ask why Ward Cole prepared two schemes for, effectively identical and adjacent problems, one for Dr Emara at number 14 Shearwater Close, and another,

much cheaper and (as it should have been apparent at the time, and as time has proved) ineffective. The answer to this is obvious. The scheme was much cheaper and "bought" time. However, the problem has not gone away and as you contributed to the scheme, you had a reasonable expectation that the work that was undertaken would have been more effective than has been the case. This may imply that you can extend any potential legal action to professional negligence.

Your solicitor has indicated that he requires a report from me to assist in the process of taking legal action against Lincoln City Council. At this stage this letter report may be used to re-open dialogue with Lincoln City Council and their insurers. I note that you have already started that process by discussion with your local councillor, Steve Bird. I can, obviously, prepare a report that is CPR compliant. I note specifically that it was legal action taken by Dr Emara that enabled him to have his claim settled by Lincoln City Council fully and effectively.

I do, however, observe that at some stage the growth of the trees and prevailing weather conditions will dislodge a section of parapet masonry, weighing 150kg which, if falling from a height of 2.0m could cause severe injury, even death. As this is a direct result of the nuisance caused by the trees that are the responsibility of Lincoln City Council, I remain extremely concerned, and note that individuals at Lincoln City Council could be held personally liable bearing in mind that that have been aware for the last 20 years that this problem exists and has not been properly dealt with by them in all that time.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Cole', written in a cursive style.

**Peter Cole BSc CEng MICE FStructE
PCC Consultants Ltd**

2



CITY OF
Lincoln
COUNCIL



blue sky
consultants

Consulting Civil & Structural Engineers

**TECHNICAL SPECIFICATION
FOR
BRICKWORK WALL REMEDIATION WORKS
HARTSHOLME COUNTRY PARK
AND
PROPERTIES ON SHEARWATER CLOSE
LINCOLN**

1.0 DESCRIPTION AND BACKGROUND



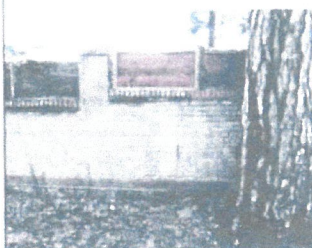
The boundary wall between Hartsholme Country Park and properties on Shearwater Close, Lincoln is to be repaired following contact damage by mature pine trees growing close to the wall. The wall is a 9" thick brick wall of approximately 1.8m height and has been constructed as a rear boundary wall for properties on Shearwater Close. The wall separates private gardens from a public path running through Hartsholme Country Park, and is believed to have been built during 1990 following construction of the Shearwater Close properties.


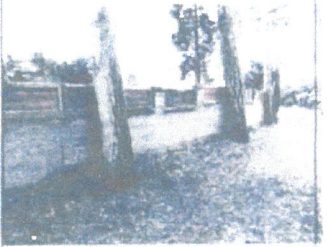
The wall is constructed from 215mm brickwork incorporating a feature string course, sills and copings. The wall is generally 'castellated' with brick piers at approximately 2.3m centres and shiplap fence panelling between the castellations. The wall is capped with tile creasing and brick on edge copings.

At the time of its construction the wall is believed to have been built, at least in part, on the line of an earlier boundary wall. Although no historical information is available, recent trial excavation has revealed that parts of the wall are constructed over historic brickwork close to and below ground level, and on a sandstone foundation course.

The section of wall forming a boundary with No. 12 Shearwater Close has become in direct contact with the trunks of three mature pine trees and the wall has become damaged. City of Lincoln Council intend to remove those trees which are adversely affecting the wall and to repair the wall where damaged. This document specifies the repair requirement.

2.0 TABULATED SCOPE OF WORKS

WORK ITEM	DESCRIPTION	Drawing Ref 18018/---	Spec'n Ref	Photograph
<u>Trial Holes</u>	<p>Excavate trial holes against the wall to expose the existing foundation and check adequacy.</p> <p>Trial holes to be taken to a depth just below existing foundation level.</p> <p>Trial holes will be inspected by Blue Sky prior to backfilling</p>	101	-	
<u>Damaged, loose or leaning brickwork</u>	<p>Carefully take down any areas of damaged, loose or leaning brickwork. Clean off bricks and set aside for re-use. Source matching brickwork to replace any damaged units. Reconstruct damaged/loose/leaning areas in matching brickwork with colour-matched mortar.</p> <p>Approximate areas indicated on plan. Final areas to be agreed with the CA on site.</p>	101	4.2	
<u>Repointing (if required)</u>	<p>Repoint all cracked bed and perped joints bucket-handle to match existing pointing. Colour match mortar.</p>	-	4.1	

WORK ITEM	DESCRIPTION	Drawing Ref 18018/---	Spec'n Ref	Photograph
<u>Crack Stitching</u> (if required)	Install crack stitching if required. Position to Engineer's instruction.	-	43	--
<u>Turrets</u>	Construct turrets atop the wall to reinstate those taken down following tree damage. Brickwork type coursing, style and detailing to match existing to include creasing and copings. Colour match mortar.	101	40	
<u>Timber Panelling</u>	Install timber framing and shiplap boarding between turrets to match existing.	-	50	

3.0 GENERAL REQUIREMENTS

3.1 HEALTH AND SAFETY

The Contractor must, at all times, liaise closely with the Principal Designer and demonstrate appropriate planning of the works including the development of Risk Assessments and Method Statements.

3.2 PROXIMITY TO PUBLIC AND FOOTPATH USAGE

The works are to be undertaken at the edge of a popular and well used footpath. The working areas, methodology and deliveries are to be carefully sequenced and programmed to limit disruption to the general Public using the footpath. The path is to remain open throughout the works.

All motorised plant must travel at low speeds and only move with the attendance of a Banksman in areas accessible by the General Public.

3.3 LIASON WITH NEIGHBOURS

The Contractor is to discuss the works with immediate neighbours at least three weeks prior to commencement, and agree programming and access to minimise disruption to neighbours. Any disturbance of neighbouring gardens is to be made good to leave all areas neat and tidy.

3.4 TREE PROTECTION

Trees are located close to both sides of the wall. On the Hartsholme Park side there are a number of large mature pine trees estimated to be 25m high and some of these will be removed prior to the works commencing, as indicated on Blue Sky Drawing 18018/101. All remaining trees close to the works are to be protected in accordance with City of Lincoln Council requirements.

4.0 BRICKWORK REPAIR SPECIFICATION

4.1 REPOINTING

Defective mortar to perpend and bed joints shall be raked out to a minimum 25mm or greater until the remaining mortar is sound and the bricks stable.

Repointing shall be carried out with the brickwork in a damp condition by wetting the raked-out joints. All prepared joints shall be free of vegetation and other mineral deposits. Pointing shall be carried out whilst the mortar is still green with all pointing matching existing profile and colour.

Use sulphate resistant mortar, compressive strength class M4, 1:1:5 cement:lime:sand.

4.2 BRICKWORK RECONSTRUCTION

Carefully take down areas agreed with CA on site. As far as possible, clean-off bricks and set aside for re-use. Source matching bricks as required.

Confirm adequacy of supporting ground, foundation and any remaining brickwork. Reconstruct brickwork plumb and true, and in a style to match the existing and using colour matched mortar. Pointing to be as specified under 4.1. Include all features including creasings and brick on edge copings to match existing wall

Fully bond new work into existing brickwork where necessary. Where existing wall is not plumb at the joint, accept an offset in wall face across the bonded joint.

4.3 CRACK STITCHING – VERTICAL AND STEPPED CRACKING

Install crack stitching if instructed by the CA on site. Stitching is to be installed as follows:

- Stitches to be installed on the line of the crack at approx 4 course (or 300mm) vertical centres.
- Rake out and deep point 600mm length of bed joint centred on the crack. Use a proprietary grout system and injection tool.

- Install one 6mm x 600mm long stainless steel threaded or helical bar into the joint centred on crack and press bar firmly into place. Bar to be bedded in mortar with minimum 20mm new mortar in front and behind the bar.
- Mortar to contain a non-shrink/high strength additive (Fosroc Conbex 100 or similar). Surrounding brickwork to be wetted before repointing is carried out. Re-point the brickwork face with minimum 20mm deep mortar; pointing style and colour to match the surrounding joints. Pointing to be as 4.1.

5.0 TIMBER PANELLING

Install timber panelling between turrets to match existing arrangement.

Timber to be pressure treated external grade.

Timber framing to be carefully well fixed to new brickwork in a manner which does not damage the brickwork. Install shiplap infill boarding (rustic style) to match the existing arrangement.

THIS DRAWING AND ANY DIGITAL AMENDMENTS TO THIS DRAWING SHALL BE PRINTED ON A2 SIZE PAPER. THE PROPERTIES OF THIS PAPER SHALL BE TAKEN INTO ACCOUNT WHEN THE DRAWING IS PRINTED. IT IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS DESIGNED AND IS NOT TO BE COPIED IN ANY MANNER NOR IS IT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

DO NOT SCALE OFF THIS DRAWING.

THE EXTENT OF WORKS TO BE AGREED WITH CA 20/04/18

TREES CURRENTLY IN CONTACT WITH WALL AND RECOMMENDED FOR REMOVAL (SUBJECT TO APPROVED ACCEPTANCE)

TREES REFERENCE NUMBERS 78, 79 AND 80

GARDEN TO No. 8

GARDEN TO No. 12

GARDEN TO No. 14



TURRET REFERENCE NUMBER



TYPICAL TURRET
SCALE 1:50

blue sky
CITY OF LINCOLN COUNCIL
2 GROVE PARK COURT
HARTSHOLME GATE
HG1 4EP
TEL: 01423 548205
FAX: 01423 709700

CITY OF LINCOLN COUNCIL

PROJECT: HARTSHOLME PARK & SHEARWATER CLOSE BOUNDARY WALL
DRAWING TITLE: APPROXIMATE EXTENT OF WORKS

SCALE	1:200	DRAWN BY	JRS	CHECKED BY	JC	DATE	FEBRUARY 19
SCALE	SPECIFICATION	PROJECT NO.	18018	DRAWN BY	101	DATE	-

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