

POLICY SCRUTINY COMMITTEE

Tuesday, 18 August 2020

5.00 pm

Virtual Meeting

Membership:	Councillors Bill Bilton (Chair), Laura McWilliams (Vice-Chair), Alan Briggs, Jane Loffhagen, Hilton Spratt, Ralph Toofany and Pat Vaughan
Substitute member(s):	Councillors Kathleen Brothwell and Gary Hewson
Officers attending:	Democratic Services, Legal Services, Sara Boothright, Simon Colburn, Francesca Bell, Graham Rose and Lyndsay Morris

Virtual Meeting

To join this virtual meeting please use the below link:

<https://zoom.us/j/97296748627>

Alternatively, please join the meeting via telephone by calling **0330 088 5830** using the following ID:

972 9674 8627

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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 and
Councillor Pat Vaughan

Apologies for Absence: Councillor Ralph Toofany

66. Confirmation of Minutes - 14 January 2020

RESOLVED that the minutes of the meeting held on 14 January 2020 be confirmed.

67. Declarations of Interest

No declarations of interest were received.

68. Vision 2025

Angela Andrews, Chief Executive and Town Clerk:

- a) presented the proposed Vision 2025 document which detailed where the Council would focus its resources between now and 2025.
- b) explained that the Vision 2025 strategic plan outlined the direction for the City of Lincoln Council for the period 2020-2025, forming phase two of the council's wider vision for the city to be delivered by 2030.
- c) advised that Vision 2025 had been developed by working with staff, residents, businesses, elected members and key partners across the city.
- d) referred to the four existing priorities outlined at paragraph 4.1 of the report and advised that in addition and as a result of evidence presented and opinions collected a new priority had been introduced:
 - Let's address the challenge of climate change
- e) advised that the five strategic priorities would be supported in Vision 2025 by a programme called One Council which would replace Professional High Performing Services.
- f) discussed the outcome of the considerable consultation undertaken between October 2019 and January 2020 in developing the Vision 2025.
- g) invited members' questions and comments.

Question: If climate change and inequality were both implicit in everything that the Council did why was it necessary to have them as separate priorities?

Response: Separate priorities would accelerate the work that would be done and would provide an opportunity to focus resources in those areas. Also having them as priorities demonstrated the importance of these areas to the Council and its political leadership.

Comment: Climate change and inequality was important there would be concerns if these were not included in the priorities.

Response: They were key areas for the Council and important to the city.

Comment: There had been a drop in life expectancy in some areas of the City, inequality was a big issue and still needed to be addressed.

Response: There was life expectancy inequality in certain areas of the city. We would be working together with partners to improve this.

RESOLVED that the Vision 2025 Strategic Plan be noted and referred to Executive.

69. Allocations Policy

Yvonne Fox, Assistant Director – Housing Management:

- a. presented the proposed new Allocations Policy for comments prior to referral to Executive.
- b. advised that following an interim review of the Allocations Policy in 2017 in preparation for the introduction of the Homelessness Reduction Act 2018, a full review of the policy was carried out as part of the review of the Allocations and Homelessness Teams.
- c. explained that in addition, consideration had been given to advice and guidance provided by the MHCLG (Ministry of Housing, Communities & Local Government) Specialist Homelessness Advisor; the Codes of Guidance; Case Law and the provisions of the Localism Act 2011.
- d. advised that the proposed policy would ensure that the City would operate a policy that fully complied with legislative requirements whilst ensuring that the Council best used all of the social and affordable housing in the City. The Council would ensure that those in most need were secured accommodation swiftly whilst also recognising that people who lived and worked in the City should be prioritised for housing.
- e. gave the background to the report as detailed at paragraph 3 of the report.
- f. referred to paragraph 4.2 of the report and highlighted the proposed change to introduce a residency qualification to the waiting list and explained that this would prioritise residents with a connection to Lincoln and would reduce homelessness and rough sleeping in the City.
- g. advised that North Kesteven District Council didn't want to introduce the same residency qualification, however, the City of Lincoln Council and North Kesteven District Council would continue to work in partnership as Lincs Homefinder.
- h. highlighted the proposed changes to the policy and changes to procedures as detailed at paragraph 4.4 and 4.5 of the report.
- i. advised that consultation on the policy would take place between 24th January 2020 and 24th February 2020.
- j. invited members questions and comments.

Question: Would this Policy be joint with West Lindsey District Council as well as North Kesteven District Council?

Response: No, West Lindsey District Council separated from the partnership in 2018.

Comment: The Tenancy Agreement needed to be explained to tenants to ensure that they understood their responsibilities.

Response: A simplified summary of the Tenancy Agreement had been introduced and tenants were asked to accept that they understood it when they signed up for a tenancy.

Question: Asked for clarification on how the Council worked with other agencies such as Women's Refuge to house vulnerable people?

Response: The Council worked very closely with Women's Refuge. The process was that applicants would be directly matched to a property rather than bidding for a property.

Question: Asked for clarification on the residency qualification?

Response: In law homelessness could override the residency qualification. The residency qualification would apply to everyone else that the Council did not have a statutory duty to house. Exceptional circumstances would be considered to go onto the waiting list.

Question: Were there still any groups of people that would not be able to go on the waiting list?

Response: It would be those people who wanted to live in the City but did not have a connection to the City. They could still move to Lincoln via a Mutual Exchange.

The committee discussed an individual case of a vulnerable person which was referred to Housing Appeals Panel and asked for the procedures of how cases were dealt with prior to consideration by Housing Appeals Panel.

The Assistant Director of Housing Management advised that the Housing Appeals Panel was the last resort following preventative measures being put in place prior to referral to Housing Appeals Panel. She explained the new eviction procedure which had been put in place to ensure that the Council had worked with the tenant and done everything possible to sustain their tenancy before eviction was considered.

She suggested that following this meeting she would look into this particular case to see where lessons could be learned for future.

Members requested that a report be brought to the next Policy Scrutiny Committee on the procedures that were in place prior to a tenancy being referred to Housing Appeals Panel.

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

70. Motion to Reduce and Regulate the use of Firework with City of Lincoln Council

Francesca Bell, Public Protection, ASB and Licensing Service Manager

- a. presented the RSPCA draft Motion on fireworks for local authorities and advised that it had been adopted at Council on 21 January 2020.
- b. advised that the purpose of the report was to outline how the motion could be implemented and enforced.

- c. gave the background to the motion as detailed at paragraph 2 of the report and advised on the impact of fireworks on animals and vulnerable people.
- d. referred to paragraph 3.2 of the report and highlighted the four requirements that the RSPCA were asking local authorities to adopt.
- e. suggested that the following actions be implemented to address the requirements of the motion:
 - 1. Fireworks events be registered on the Council website for the public to view. Requesting that a minimum of 14 days' notice be given to the Local authority.
 - 2. Those planning displays should ensure compliance with the relevant guide either The Blue Firework Guide or The Red Firework Guide.
 - 3. Premises licences had conditions around fireworks displays, where premises licences did not have this condition it could be added as and when the licences were varied or refreshed.
 - 4. Initial communication could be done around the adoption of the motion and a commitment to support any communications that the RSPCA published.
 - 5. A letter to central government could be sent in support of introducing a lower noise threshold for fireworks.
 - 6. A letter could be sent to all major retailers in the district along with any communications strategy that would urge the use of quieter or silent fireworks.
- f. highlighted the procedure for dealing with any reports of unregistered fireworks displays as detailed at Appendix D of the report.
- g. invited members questions and comments

Question: Did this apply only to organised fireworks displays?

Response: No, it would also apply to anyone wishing to set off fireworks from their gardens.

Comment: Supported the motion with regards to public displays but expressed concern that this would not be enforceable for people setting off fireworks from their gardens.

Response: The Council had broad powers to take action to tackle ASB. It would be a staged approach, with the first unregistered fireworks display they would receive a warning, the second time they would receive a legal notice and the third time a fixed penalty notice would be considered. Bonfire night, New Year's Eve and Chinese New Year were exempt and fireworks could be set off until 1am the following day on these occasions.

Comment: Expressed concern that if large reputable companies stopped selling fireworks then they would be sold by unauthorised suppliers.

Response: This would be a matter for Trading Standards. The large retailers were being encouraged to sell quieter or silent fireworks

RESOLVED that the report be noted

71. **Modern Slavery, Charter and Statement Review**

Francesca Bell, Public Protection, ASB and Licensing Service Manager

- a. presented a report to:
 - i. inform the committee of the councils roles and responsibilities relating to Modern Slavery.
 - ii. update the committee of the revised Modern Slavery Statement.
 - iii. appraise the committee of achievements made in this area and any areas of risk.
 - iv. update the committee on compliance with the Modern Slavery Charter.
- b. referred to paragraph 3 of the report explained the term Modern Slavery and the City Councils role in stopping Modern Slavery.
- c. highlighted the City of Lincoln Council revised Modern Slavery Statement 2020/21 at appendix A of the report.
- d. referred to paragraph 5 of the report and gave an overview of the achievements made in this area and any areas of risk.
- e. referred to the Modern Slavery Charter at Appendix B of the report and advised that the Council proactively vetted its supply chains to ensure that no instances of Modern Slavery were taking place.

RESOLVED that the report be noted and referred to Council for approval.

72. Health Scrutiny Update

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meeting held on 22nd January 2020 these were:

- United Lincolnshire Hospitals Trust – Update on Care Quality Commission Inspection.
- Lincolnshire Partnership NHS Foundation Trust: Child and Adolescent Mental Health Services.
- Lincolnshire Partnerships NHS Foundation Trust: Older Adults Mental Health Home Treatment Team.
- Community Pain Management Service.
- NHS Dental Services Overview for Lincolnshire.
- The Burden of Disease in Lincolnshire.

The committee discussed the closure of the walk in centre and suggested that it be referred to Community Leadership Scrutiny Committee for a Post Implementation Review.

RESOLVED that

1. the report be noted.
2. a review of the closure of the Walk-in Centre be referred to Community Leadership Scrutiny Committee for consideration

73. Policy Scrutiny Work Programme 2019-2020 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 January 2020 – December 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.

Members requested that Parking on Grass Verges be scheduled into the work programme

RESOLVED that the Policy Scrutiny work programme be noted and be updated to include the following reports:

- Parking on Grass Verges
- Procedures prior to referrals to Housing Appeals Panel

SUBJECT: LINCOLN SOCIAL RESPONSIBILITY CHARTER

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: GRAHAM ROSE – STRATEGIC SENIOR POLICY OFFICER

1. Purpose of Report

- 1.1 To provide Policy Scrutiny Committee with an update on the progress of the Lincoln Social Responsibility Charter following the charter being in place for a period of 18 months.

2. Executive Summary

- 2.1 Building on the success of the Lincoln Living Wage Campaign, City of Lincoln Council launched the Lincoln Social Responsibility Charter in October 2018. This followed consultation with the Reducing Inequalities Vision Group, elected members and the Lincoln Living Wage Forum.
- 2.2 The aim of the charter is to encourage organisations in Lincoln to undertake socially responsible activities, above the statutory minimum, which benefit both their employees and the local community in which they are located.
- 2.3 This report provides an update on the progress of the charter following this being in place for a period of 18 months.

3. Background

- 3.1 In 2014 City of Lincoln Council launched the Lincoln Living Wage Campaign which encouraged organisations in Lincoln to pay the real Living Wage to their employees.
- 3.2 The real Living Wage rate is higher rate of pay than the National Living Wage and is calculated annually by the Living Wage Foundation. The rate is based on the real cost of living.
- 3.3 In 2017 it became apparent some organisations were noticing the pay differentials at the lower level were slowly eroding – for example some team leaders were receiving the same pay as the people they managed. Annual increases in the real Living Wage rate also meant paying the real Living Wage was becoming unaffordable for some organisations.
- 3.4 As a result of this the Corporate Policy Unit, working with the Leader and the Lincoln Living Wage Forum, developed a new approach to recognise good employers in the city. This resulted in the development of the Lincoln Social Responsibility Charter. The charter gives recognition for the wide range of socially responsibly activities undertaken by organisations to support the employee and the local community.

- 3.5 Promotion of the real Living Wage rate and the advantages paying this higher rate of pay can bring to employees and their employers continues as part of the charter.

4. Reminder of how the charter works

- 4.1 The Lincoln Social Responsibility Charter aims to give recognition to those local organisations going above and beyond to support their employees and the local community.

- 4.2 There can be several benefits to organisations which undertake socially responsible activities above the statutory minimum. These can include:

- Increased staff retention
- Reduced recruitment costs
- More productive workforce
- More attractive to customers
- Increased customer loyalty
- Better brand recognition
- Improved business reputation
- Profits may increase
- Recognised as an ethical employer

- 4.3 In order to ensure accreditation to the charter is fair, local organisations are required to meet specific criteria which differs depending on the number of employees the organisation has. As a guide, organisations are required to demonstrate the following as a minimum:

- Small organisations (1-10 employees) should proactively undertake a minimum of three activities, with at least one benefitting the employee and one benefitting the local community
- Medium sized organisations (11-49 employees) should proactively undertake a minimum of five activities, with at least two benefitting the employee and two benefitting the local community
- Large organisations (50+ employees) should proactively undertake a minimum of ten activities, with at least five benefitting the employee and five benefitting the local community

- 4.4 Following organisations demonstrating that they meet the criteria to gain accreditation, all organisations receive an accreditation certificate endorsed by the Mayor of Lincoln, together with an accreditation window sticker. Signees are encouraged to display both the certificate and window sticker within a prominent position within their organisation to demonstrate to their staff and customers that they are a signee to the charter and a socially responsible employer.

- 4.5 All signees also receive promotion via a range of routes from the council which helps to promote the organisation as a signee to the charter, together with the range of socially responsible activities they are undertaking. This includes regular promotion via the following routes:

- council social media channels
- dedicated online directory of signees
- press releases

- case studies
- bus station advertising screens
- City Hall customer information screens
- Your Lincoln resident's magazine
- local business networking forums

This promotion is key to signees and is a driving factor in encouraging organisations to undertake socially responsible activities and to join the charter.

- 4.6 During March 2020, all signees to the charter received a new accreditation certificate valid for a period of three years. Previously accreditation certificates were valid for just one year, however it is clear that those organisations who undertake socially responsible activities are unlikely to stop undertaking these activities, therefore a decision was taken to extend the accreditation period to three years.
- 4.7 However, to ensure organisations continue to meet the criteria to retain this accreditation, on an annual basis all signees are required to complete an online accreditation questionnaire. The questionnaire requires organisations to declare that they continue to deliver all the socially responsible activities they have committed to, whilst also provides the council with an opportunity to find out about any other socially responsible activities they are now undertaking.

5. Progress to date

- 5.1 To date 76 local organisations have gained accreditation to the charter, with each demonstrating they have gone above and beyond to support their employees and the local community in which they are located. Please see Appendix A for the current list of signees to the charter. Signees to the charter to date include a mix of small, medium and large organisations from a range of sectors. The total number of signees to the charter exceeds our target of 50 signees by this stage.
- 5.2 To help ensure signees to the charter are kept up to date with all the latest news on the charter and also the great socially responsible activities being undertaken by other local organisations, the Lincoln Social Responsibility Forum is usually held twice each year. The forum, which is chaired by Cllr Ric Metcalfe, is very well attended and provides a great networking event for local organisations to attend and share best practice in relation to social responsibility. The forum regularly welcomes guest speakers.
- 5.3 Unfortunately, due to COVID 19 and following government instruction, we have decided to cancel the next forum originally scheduled for October 2020. However, we hope to restart the forum at least annually from next year.
- 5.4 To support local charities and community groups during the COVID 19 pandemic, organisations signed up to the charter were asked to contribute to the COVID 19 Crisis Fund of which a number of contributions were received demonstrating socially responsibility.
- 5.5 Looking ahead City of Lincoln Council will continue to actively promote the charter and its signees, together with the benefits of undertaking socially responsible activities, with the aim on encouraging more organisations to gain accreditation to the charter. The council will also continue to support Living Wage Week.

6. Strategic Priorities

- 6.1 The charter directly supports the strategic priority, 'Let's reduce all kinds of inequality', as it encourages local organisations to provide better working conditions for residents and provide support within the local community. It also supports other strategic priorities – 'Let's drive inclusive economic growth', 'Let's enhance our remarkable place', 'Let's address the challenge of climate change' and to a lesser extent 'Let's deliver quality housing'.

7. Organisational Impacts

- 7.1 Finance – The current and expected ongoing costs for the charter are minimal with these costs being covered by the existing Corporate Policy Unit's social policy budget.
- 7.2 Legal Implications including Procurement Rules – There are no legal implications arising from this report.
- 7.3 Land, property and accommodation – There are no land, property and accommodation implications arising from this report.
- 7.4 Human Resources – The continued success of the charter requires ongoing support from the Human Resources team to ensure City of Lincoln Council continues to undertake a range of socially responsible activities to support our employees and the local community. This support helps to ensure the council leads by example in encouraging other organisations to embrace social responsibility. A list of the current socially responsible activities undertaken by the council can be found in Appendix B.
- 7.5 Significant Community Impact – The Lincoln Social Responsibility Charter encourages local organisations to undertake a range of socially responsible activities above the statutory minimum which benefit not only the employee but also the local community. These community activities combined are likely to continue to have a significant positive impact on local communities across the city.
- 7.6 Corporate Health and Safety implications – there are no corporate health & safety implications arising from this report.
- 7.7 Equality, Diversity & Human Rights – The charter aims to recognise good employers in the city which undertake socially responsible activities which benefit both their employees and the local community. As a result of these aims, the charter will continue to have a positive impact overall on one or more of the protected characteristics.

8. Risk Implications

- 8.1 There are no risks associated with the continuation of the Lincoln Social Responsibility Charter.

9. Recommendation

- 9.1 Members of Policy Scrutiny Committee note the progress made to date with the Lincoln Social Responsibility Charter.
- 9.2 Members are encouraged to promote the charter and the benefits of social responsibility to local organisations, with the aim of encouraging more to gain accreditation to the charter.

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

List of Background Papers: None

Lead Officer: Graham Rose, Strategic Senior Policy Office
Telephone (01522) 873658

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APPENDIX A – Lincoln Social Responsibility Charter

Policy Scrutiny Committee – 18th August 2020

Current signees to the Lincoln Social Responsibility Charter

1st Class Fitness Lincoln North LTD t/a Curves
3SDL
Aaron Services Ltd
Acts Trust
AI Digital Training
APIS Solutions
Barbon Insurance Group Ltd
Beneficial Trust & Will Co Ltd
Brewin Dolphin
Carrington Communications
Children's Links
City of Lincoln Council
Comprehensive Fire and Security Solutions Ltd
Dale and Co Solicitors
Deliverance Escape Rooms Limited
Delta Simons
Distract Ltd
Dynex Semiconductor Limited
Edan Lincs
Epix Media Ltd
Gelder Group
Globe Consultants Limited
Hunter Global Recruitment Ltd
IEMA
J & S Plumbing and Heating
jch: investment management
John Roberts Architects LTD
JW Ruddock & Sons Ltd
Kinetic Estate Agents
LAGAT College
Leap Ltd
Lincoln & Lindsey Blind Society
Lincoln Area Dial a Ride and Shopmobility
Lincoln Civic Trust Ltd
Lincoln Community Development Worker Project (T/A developmentplus)
Lincoln Digs
Lincoln Minster School
Lincoln Security
Lincolnshire Action Trust
Lincolnshire Co-op
Lincolnshire Credit Union

Lincolnshire Partnership NHS Foundation Trust
LINDUM Group
Linwave Technology Limited
Obam Stairlifts Ltd
Optima
Purple Robot Marketing & Design
Qaurus Ltd
Quality Solicitors Burton & Co
R G Carter Lincoln Ltd
Ringrose Law
Running Imp Ltd
Saul Fairholm Chartered Accountants
Seillean
Selenity
Serco
Siemens
Specialist Education Support Network
St Barnabas Hospice
St Marks Shopping Centre
Starglaze Windows & Conservatories Limited
Static Security Services Ltd
Streets Heaver Computer Systems Ltd
The EBP
The Lincoln College Group
The Lounge Hair and Beauty
The Network
Tom's Hair, Beauty & Barbers
TRS Design Agency Limited
University of Lincoln
Visual Print & Design Ltd
Voluntary Centre Services
Waldeck Consulting
Wise Software (UK) Ltd
WJ Shirley Ltd
Wright Vigar

APPENDIX B – Lincoln Social Responsibility Charter

Policy Scrutiny Committee – 18th August 2020

Socially responsible activities undertaken by City of Lincoln Council

Activities which benefit the employee
Paid time off for medical appointments
Consideration of flexible working requests beyond the statutory minimum
Holiday purchase scheme
Pay real Living Wage
Opportunity to take career breaks
Staff awards scheme
Provision of paid compassionate leave
Promotion of healthy lifestyles
Flexible Retirement Policy
Training and development opportunities
Employee volunteering
Mentoring
Provision of occupational health service
Provision of Employee Assistance Programme
Support for Mental Wellbeing
Smoke Free Policy & provision of stop smoking support
Signee of Dying to Work Charter
Staff benefits/discount scheme

Activities which benefit the local community
Signed up to the Low Carbon Lincoln Charter
Food bank collection/donation
Offer work experience placements
Use services of local businesses/local products
Undertake staff fundraising for local charities
Local recruitment
Apprenticeships
Promotion of Fairtrade products and Lincoln as a Fairtrade City

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SUBJECT:	REVIEW OF THE TRUSTED LANDLORD SCHEME AND PROPOSED CHANGES
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	SARA BOOTHRIGHT - ENVIRONMENTAL HEALTH & CORPORATE SAFETY MANAGER

1. Purpose of Report

- 1.1 To inform the committee of proposed changes to the City of Lincoln Council's Trusted Landlord Scheme Document and review of the scheme.

2. Background

- 2.1 The impact of student demand and the increase in the number of houses in multiple occupation led to a series of studies and reports in 2014 which resulted in the development of the Trusted Landlord Scheme (TLS). The TLS was launched in March 2017 and works with five existing national, regional and local accreditation schemes operating in Lincoln, bringing landlords accredited with those schemes under the common badge of the TLS.
- 2.2 The TLS provides collective public recognition for responsible landlords who deliver private rented accommodation in the city. The purpose of the Scheme is to improve standards of accommodation and management, help improve neighbourhood relations and to recognise and support those landlords participating in the Scheme.
- 2.3 The criteria for landlords to be accepted as part of the common badging scheme are as follows:
- Full membership of an accreditation scheme which shares a protocol with the city;
 - Agreement to the terms and conditions of the TLS
 - Declaration of all property available to rent in Lincoln
 - Agreement to an inspection of property
- 2.4 As the joining criteria for the TLS satisfies some of our Private Sector Housing (PSH) enforcement functions, TLS members benefit from dispensations as a consequence of being enrolled on the scheme, these include:
- A reduced HMO licensing fee
 - Potential exemption from re-active enforcement inspections
 - Exemption from pro-active inspection programmes
 - Preference will be given to TLS members in the discharging of our homelessness duty into the private sector.

Whilst some of the accreditation schemes may charge landlords for membership, there is currently no fee payable to join the TLS as this was considered to be a potential barrier to joining the scheme.

- 2.5 Accreditation schemes are usually only open to individual members, therefore letting and managing agents are precluded from joining those schemes, which would make them ineligible for the TLS. However, as there are many large portfolio and absent landlords who rely on local agents to manage their properties, the scheme does allow agents to obtain affiliate membership and promote their support of the Scheme.
- 2.6 In the absence of any change to the fit and proper status of the landlord, a successful applicant will remain a member of the TLS for a period of 3 years.
- 2.7 The ultimate aim of the scheme is for all landlords to belong to an accreditation scheme and their housing safe, comfortable and managed in a professional manner. The unscrupulous landlords would be driven out of the market by sustained enforcement.

3. Applications received to-date

- 3.1 As of June 2020 we have received 81 applications for the scheme, of which 33 have been accepted, 26 rejected (either the landlord was not accredited or had failed to produce documents). The remaining 22 applications are either currently being processed or awaiting compliance visits.
- 3.2 There are currently 505 properties covered by the scheme, however it should be noted that affiliated agents are included within the 33 TLS members, as the reporting process does not allow a distinction between individual landlords and agents. The review of the scheme, the online application form and the supporting processes will seek to address this.
- 3.3 The 22 applications pending processing represent 346 properties. Therefore subject to acceptance on the scheme, the total number of properties covered by the scheme will be 851.
- 3.4 A target of 15% of the private rented stock being covered by the scheme was set at its initial launch.

Estimated number of privately rented properties in Lincoln. <i>BRE Dwelling Level Housing Stock Model 2014</i>	9,632
Therefore 15% of the private rented stock	1,445

The scheme was suspended for several months during 2019/20 to focus resources on the mandatory licensing of HMOs. Mandatory licensing was extended in October 2018 to include smaller properties used as HMOs, which resulted in a significant increase of the number of HMOs that required a mandatory licence. The suspension of the Trusted Landlord Scheme meant that the target set has not been achieved, and at present only 9% of the estimated rented stock would be covered by the scheme if all pending applications were to be accepted. The suspension was lifted in July 2020 when we recommenced the processing of TLS applications.

4. Purpose of review

- 4.1 There have been many changes in legislation applicable to the private rented sector over the past 5 years including the introduction of banning orders; a database of rogue landlords and property agents; improved electrical safety standards; and civil penalties. The General Data Protection Regulations also came into effect in May 2018, prior to the launch of the scheme. As a result of these legislative changes, and given the current scheme has not met the targets set, and improvements to the operational procedures have been identified, the Private Sector Housing Team has taken this opportunity to review the scheme.
- 4.2 The benefits of the TLS remain pertinent, particularly given the provision of quality housing in the City remains a key priority and the impact the expanding private rented sector is having on Council resources. These immeasurable benefits include:
- The fostering of good relations between responsible private sector landlords and the Council;
 - A reduced burden on the Private Sector Housing Team resources in respect of compliance checks relating to HMOs, and reactive and proactive enforcement of standards;
 - The Council's promotion of good quality landlords helping to drive up overall standards of housing and management;
 - Closer working between Private Sector Housing Enforcement and Housing Solutions, Anti-Social Behaviour and other partners and statutory bodies.
- 4.3 An increase in the demands placed on the PSH Team in conjunction with staff absences has resulted in the team focus being directed to more urgent, higher risk cases, which as a consequence has led to less attention being paid to the processing and promotion of the scheme, however applications are to-date still being received.
- 4.4 Given the legislative changes previously mentioned and as the initial members of the scheme are due to renew their membership, this would be an appropriate time to review the scheme document, a copy of which is attached to this report with the proposed changes are underlined.
- 4.5 A summary of the main changes are:
- Updated Privacy Notice for GDPR compliance;
 - The inclusion of checks for Banning Order Offences, Civil Penalties and the Rogue Landlord Database to determine Fit and Proper Person Compliance;
 - Recent inspections for other purposes will be taken into consideration when arranging compliance visits;
 - Virtual inspections will be acceptable at the discretion of the City Council;
 - Criteria set out of the circumstances where an application would be rejected;
 - A broadening of the compliance checks for affiliate Letting and Managing Agents;
 - Amendments to the Terms and Conditions in respect of the above changes.

5. Strategic Priorities

- 5.1 Let's drive economic growth

Housing plays a key part in economic stability and growth. The TLS supports those business organisations involved with the private rented market i.e. private landlords, investment landlords and letting and property management agencies. Well managed properties that are looked after and where investment is made contribute to the local construction, building supplies and maintenance economy.

5.2 Let's reduce inequality

The private rented sector is playing an increasingly important role for those in receipt of low income. The promotion of good standards whether through accreditation or enforcement will help protect those tenants least able to exercise choice in the selection of accommodation.

5.3 Let's deliver quality housing

The TLS helps to drive improvements in standards of private rented accommodation and its management and enables Council resources to focus on enforcing standards of those properties not in the scheme.

5.4 Let's enhance our remarkable place

The TLS requires its members to take a more responsible approach to dealing with the behaviour of their tenants and the impact their properties have in the local community.

6. Organisational Impacts

6.1 Finance

There are no Finance implications associated with this report. The accreditation budget was built into the re-structuring of the Private Housing Team in 2015 and this report does not call upon extra revenue in the review of the scheme. It will of course run in competition with the other demands upon the team.

6.2 Legal Implications including Procurement Rules

There are no Legal implications associated with this report which aren't mentioned above.

6.3 Equality, Diversity and Human Rights

There are no Equality, Diversity and Human Rights implications associated with this report.

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

Whilst reviewing the scheme, officers have considered the potential impact of the public sector equality duty, and equality, diversity and human rights issues and

concluded that there is no need to complete an Equality Analysis as there is no change in impacts on protected characteristics arising from the review of the scheme and the proposed changes.

An Equality Analysis was completed when the scheme was approved in 2016 which has been reviewed for the purpose of this report. The 2016 Equality Analysis found no potential for unlawful discrimination and that the scheme would likely have a positive impact as Trusted Landlords will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.

7. Risk Implications

7.1 (i) Options Explored

The TLS required a review in view of the changes of requirements in the legal framework and the operational changes in the Private Sector Housing team.

7.2 (ii) Key risks associated with the preferred approach

They may be summarised as follows:

1. Failure to recruit increased numbers of landlords into the partner accreditation schemes.
2. Failure to recruit into the Trusted Landlord Scheme.
3. The lack of any appreciable improvement in the management of private rented sector accommodation.

8. Recommendation

- 8.1 That the Committee consider the review, the proposed changes to the TLS and provide comments accordingly, with a view to it being referred to the Executive for approval.

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?

1

The Trusted Landlord Scheme Document

List of Background Papers:

None

Lead Officer:

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City of Lincoln

The Trusted Landlord Scheme

**A scheme for recognising and promoting professional standards
in the private rented sector**



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1 INTRODUCTION

The increased importance of the private rented sector, its continued growth and the contributory factors are all well documented. Lincoln shows no exception to this national trend. It might be argued that as a geographically small authority it is particularly sensitive to local influences. A local factor that does influence the local housing market is the demand for student accommodation.

It was the impact of student demand and the increase in the number of houses in multiple occupation that led to a series of studies and reports in 2014. This concluded with a report to the Executive in December 2014. One of the outcomes of the Executive meeting was a direction that an accreditation scheme should be developed for the rented sector across the City. The purpose of such a scheme would be to improve standards of accommodation and management for tenants, to help improve neighbourhood relations, and for landlords who agree to participate in such a scheme public recognition and support.

Through 2015 local, regional and national accreditation schemes were studied to help understand what makes a scheme viable and effective. Workshops and consultation exercises were undertaken locally. The outcome was a scheme which was put out for consultation at the end of November and open for response until 18 December. This final version of the scheme takes account of feedback from the consultation exercise and later comment from accreditation scheme administrators.

2 OVERVIEW

The Scheme aims to work with the national, regional and local accreditation schemes operating within Lincoln. It is not an alternative to the other schemes, it is not a competitor. It embraces the other schemes through common badging. Inevitably there are differences between the schemes as each appeals to different market sectors and promotes their own particular attributes.

The accreditation schemes available within Lincoln have been identified. Each has adopted a fit and proper person test, uses a code of practice and has in place a complaints procedure. Notwithstanding these similarities the Trusted Landlord Scheme is written in such a way variations to this basic model can be accommodated.

The criteria for landlords to be accepted as part of the common badging scheme are as follows:

- Full membership of an accreditation scheme which shares a protocol with the city **(interim membership will not be accepted and full accreditation should be obtained)**
- Agreement to the terms and conditions of the Trusted Landlord Scheme
- Declaration of all property available to rent in Lincoln
- Agreement to an inspection of property.

The Lincoln scheme will only accredit individual landlords and will not be open to letting agents except as landlords in their own right. However due to the prevalence of investment landlords in the city who employ agents to fully manage their properties, provision has been made for integrating them into the scheme through affiliate membership, details of which are provided in section 14 of this document.

Within this document the Trusted Landlord Scheme is referred to as the Scheme, and membership of the Scheme may also be referred to as “enrolment” or “enrolled”

3 AIMS of the SCHEME

The aims of the scheme reflect the desire to improve and bring about consistent standards within the rented sector, to support landlords, to support neighbourhood cohesion and complement the work of the City Council.

1	To promote good practice in tenancy management.
2	To increase the supply of safe, good quality private rented accommodation.
3	To provide advice and support to landlords to help them achieve good practice in tenancy management and the provision of safe, good quality private rented accommodation
4	To recognize and promote the public image of landlords who are prepared to provide good quality, well managed accommodation
5	To create greater confidence amongst tenants in the quality and management of the accommodation that they are renting.
6	To make it easier for tenants to obtain information about and identify safe, good quality housing.
7	To provide opportunities for landlords and tenants to be informed about legislative proposals, policy proposals and administrative changes which may affect them.
8	To reduce the number of disputes between landlords and tenants needing intervention by statutory agencies.
9	To create good working relationships between landlords, tenants, the City Council and other statutory bodies.
10	To enable the local authority to have a greater comprehension of the private rented sector and so assist landlords in their operation of successful businesses.
11	To enable the Council to focus their enforcement resources on property which is neither of good quality nor well managed.
12	To assist in the prevention of homelessness by improving landlord and tenant relationships.
13	To develop a joint approach to tackling anti-social behaviour and nuisance.
14	To help landlords and tenants to understand their responsibilities in respect of the communities within which their properties are situated.

4 **FIT and PROPER PERSON**

The expectations of the fit and proper person test are the same as those for mandatory licensing and found in part 2 Housing Act 2004¹.

Compliance

Where an accreditation scheme has a fit and proper person element this will be deemed as sufficient as a self-declaration for the Lincoln Trusted Landlord Scheme.

If an accreditation scheme does not have a fit and proper person test then the test to be applied for the Scheme will be the same as that adopted for the purposes of the council's HMO licensing policy.

All applicants will be checked against the Rogue Landlord Database, the City of Lincoln Council records relating to prosecutions and civil penalties and housing enforcement records in relation to banning order offences²

If the council becomes aware of any detrimental information concerning an accredited landlord the matter will be referred back to the accreditation scheme for consideration under the terms of their scheme. On the finding of detrimental information acceptance into the Trusted Landlord Scheme will likely be refused by the City of Lincoln Council.

Where a landlord is accredited in their own right but is also a director/owner of a company and that company is prosecuted, receives a civil penalty or is part of an ongoing enforcement case, their application will not be accepted.

Details of how all sensitive information will be handled and dealt with is given in the Privacy Statement at Appendix 3.

¹ Section 66 Housing Act 2004

² [The Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2018](#)

5. KNOWLEDGE VERIFICATION and CONTINUING PROFESSIONAL DEVELOPMENT.

Knowledge of the law and practice relating to the proper management of residential accommodation is a requirement of the scheme. This may be demonstrated through examination or assessment by a competent body.

The maintenance of tenancy and property management skills and knowledge of the law should be achieved through demonstrable professional development.

Compliance

Where an accreditation scheme has an assessment of competence and continuing professional development this will be deemed as sufficient for the Lincoln Trusted Landlord Scheme.

Where an accreditation scheme does not have an assessment of competence and continuing professional development then the applicant will need to seek out appropriate training themselves and provide the relevant evidence.

6 CODE of PRACTICE for both TENANCY and PROPERTY MANAGEMENT

As a general rule the aim is neither to replace the codes of practice of other schemes nor to replicate their detail. The intention is to embrace the other schemes.

In applying to join the Scheme a landlord should belong to a recognised accreditation scheme where members are expected to adhere to a Code of Practice for the good management of their properties.

Such a Code of Practice shall include reference to the following matters either specifically or by implication:

1. Matters relating to landlord conduct
2. Matters relating to tenancy creation, including
 - a. Inventories
 - b. Energy Performance Certificate
 - c. Gas Safe certificate
 - d. Electrical Installation Condition Report (EICR)
3. Matters relating to tenancy deposit scheme and bonds
4. Matters relating to tenancy advice and guidance
5. Matters relating to timely repairs and maintenance
6. Matters relating to access
7. Matters relating to the condition of the property and its state of repair, including reference to:
 - a. Warmth and comfort
 - b. Hazards, as per Housing Health and Safety Rating System
8. Matters relating to fire risk, including:
 - a. Risk assessments
9. Matters relating to provision of sufficient amenities
10. Matters relating to routine maintenance including reference to:
 - a. Gas safety
 - b. Electrical safety
 - c. Fire safety (to include carbon monoxide alarms)

Compliance

Where all the matters listed in the Lincoln Trusted Landlord Scheme are referenced in an accreditation scheme code of practice, either specifically or by implication, then the requirements of the Lincoln Trusted Landlord Scheme will be deemed to be satisfied.

7. PROPERTY INSPECTIONS

At least one property will be inspected to assess compliance with the law and the Code of Practice. Where an applicant has 15 or more properties in Lincoln then up to 10% of the portfolio of properties will be inspected. In determining the number of properties to be visited, consideration will be given to visits already carried out by the accreditation scheme and, inspections carried out by the Private Sector Housing Team for other purposes. At the discretion of the City Council, it may be determined that a virtual inspection would be acceptable to assess compliance with property standards.

Landlords applying to join the scheme will need to provide a list of all properties which they make available to let in Lincoln

Compliance

Inspected properties will be assessed against legal requirements and the requirements of the Code of Practice

Where properties are inspected (either in person or virtually) by an accreditation scheme then the requirement for assessment by inspection for the purposes of the Lincoln Trusted Landlord scheme will be deemed to be satisfied and no other inspection required.

8. ANTI SOCIAL BEHAVIOUR and NEIGHBOURHOOD RELATIONSHIPS

One of the driving forces for the development of an accreditation scheme was the impact upon local communities of a more transient population associated with rented accommodation and houses in multiple occupation in particular. Some accreditation schemes within their codes of practice already make reference to anti-social behaviour and the need for tenants to be familiar with the arrangements for local services. Landlords are likely to have similar clauses in their tenancy agreements.

For the sake of clarification and consistent application the specific requirements of the Lincoln Trusted Landlord Scheme are set out below.

Tenant behaviour

1. The landlord will make reasonable enquiries of prospective tenants to satisfy themselves that they will not have a detrimental effect on the property, the community or on neighbours. This is considered to be part of the normal referencing procedure undertaken by landlords when assessing the suitability of tenants.
2. Where a statutory authority is investigating a complaint about anti-social behaviour and has reason to contact the landlord then the landlord will be expected to acknowledge the communication and where possible assist by taking any reasonable and practical steps to help prevent or reduce anti-social behaviour by persons occupying or visiting the house

Refuse storage and collection.

3. All properties will be provided with refuse storage facilities sufficient for the number of occupants and to comply with refuse collection and recycling arrangements of the City Council.
4. Where the City makes available a notice which describes refuse storage arrangements for the dwelling and the refuse collection arrangements for the locality the landlord will make sure that the new tenant(s) are provided with a copy.

Appearance of the property

5. At the commencement of a tenancy it is expected that the visual appearance of the property will be reasonable, that outbuildings and yards will be in a reasonable state of repair, gardens tidy and free of litter, and boundary walls and other structures safe.
6. Where a dwelling house is in shared occupation then the landlord will ensure throughout the tenancy that the outbuildings, yards, forecourts, gardens and boundary structures are in good repair, safe and clean (this is an existing legal requirement).

7. If during the course of the tenancy the dwelling detracts from the visual amenity of the area the landlord will be expected to assist the statutory agency by taking reasonable and practical steps to help remedy the situation.
8. If a “To Let” sign is used then once the letting has been agreed the sign should be taken down within 14 days.

The council will assist in the interpretation of “reasonable enquiries” and “reasonable and practical steps”

Compliance

A landlord enrolled within the Trusted Landlord Scheme agrees to abide by these requirements.

9. TERMS and CONDITIONS

When a landlord applies to become enrolled with the Trusted Landlord Scheme this will be on the understanding that they agree to the terms and conditions of the Scheme. These are described in appendix two to this document.

10 MANAGEMENT and OPERATION of the SCHEME

As a generality the primary administrative burden remains with the accreditation schemes. The role of the Lincoln Trusted Landlord Scheme will be to receive applications from landlords belonging to a recognised accreditation scheme, give consideration to the applications and maintain a data base of successful applicants.

Below greater consideration is given to the administration and this will help to define the City's role.

Persons eligible to join scheme

Anybody who owns³ property, or properties, in Lincoln and which are made available to let as a private dwelling, or dwellings, may apply to join the Lincoln Trusted Landlord Scheme, provided that they are also a member of a recognised accreditation scheme.

Membership of other schemes

The recognised accreditation schemes are:

1. Decent and Safe Homes Landlord Accreditation Scheme (DASH)
2. National Residential Landlords Association (NRLA)
3. Lincoln Student Accommodation Accreditation Scheme
4. The Private Rented Sector Accreditation Scheme (PRSAS)

Recognised accreditation schemes may be added or removed from this list with the authorisation of the Private Housing Team Leader

How to join

Accreditation schemes may, with the permission of the accredited landlord refer details to the City Council.

Alternatively landlords may apply directly to the Council by providing the following details:

1. Full name of applicant
2. Contact details
3. Membership details of accreditation scheme
4. Full list of all properties available for residential letting within the city boundary

³ "owner's interest" in relation to any premises means

- a) An estate in fee simple absolute in possession, or
- b) A term of years absolute of which not less than 3 years remain unexpired at the date of the membership application.

5. Declaration to accept terms and conditions of the Lincoln Trusted Landlord Scheme.
6. Submission of a fee where appropriate

Initial handling of the application

The application will be acknowledged and recorded in a data base. The addresses of the properties will be retained for the purposes of the Scheme only.

Assessment of the application

Membership of a recognised accreditation scheme will mean deemed compliance with:

1. The Code of Practice
2. Self-declaration of being a Fit and Proper Person
3. The landlord competence and training requirement

where these form part of the accreditation scheme.

On receipt of an application the scheme administrator will confirm membership with the accreditation scheme and carry out internal compliance checks .

Inspection of the property(s)

A pre-inspection questionnaire will be sent to the landlord. The inspection may be undertaken by an officer in the direct employment of the City Council, or by an agency worker engaged for the particular purpose, or may be undertaken by one of the accreditation schemes under arrangement. At the discretion of the City Council, it may be determined that a virtual inspection would be acceptable.

The landlord will be given the inspector's details and the inspection arrangements confirmed.

The inspection will generate a report for each property. It will comment on adherence to the code of practice. Where improvements are required these will be presented to the landlord as a proposed improvement plan for agreement.

If there are substantial deficiencies the application will likely be refused, the applicant will be notified and the accreditation scheme will be notified.

The improvement plan will form part of the Trusted Landlord Scheme and will not be part of any enforcement action. However, the scheme administrators reserve the right to refer a case for enforcement if there are any deficiencies which give rise to "imminent risk of serious harm" i.e. those matters which might give rise to Emergency Remedial Action⁴ or an Emergency Prohibition Order⁵.

⁴ Section 40 Housing Act 2004.

⁵ Section 43 Housing Act 2004

The accreditation decision

Acceptance

If all the accreditation requirements are deemed to have been satisfied, and if the property inspection(s) have been carried out and all matters are satisfactory, then the landlord will be accepted as a Trusted Landlord and the following actions undertaken:

1. The landlord will be notified.
2. The landlord will be provided with a promotional pack
3. The Trusted Landlord Scheme data base will be updated
4. The parent accreditation scheme will be notified

Rejection

An application will be rejected on finding of any of the following:

- a) The landlord is not a fully accredited member of a relevant accreditation scheme.
- b) The Council becomes aware of detrimental information which suggests that the landlord is not a fit and proper person for the purposes of the scheme.
- c) Substantial deficiencies are found during the inspection of an applicant's property.
- d) The landlord fails to agree to the terms and conditions of the Trusted Landlord Scheme.

The landlord will be notified in the event that their application is rejected. Where an application has been rejected as a result of items b) or c) above, the council will not consider a further application submitted by that landlord for a period of 3 years.

Duration of accreditation

The accreditation status will be refreshed each year by simple confirmation of continued accreditation.

The inspection of properties under this scheme will have a term of 3 years from the enrolment date. This term will renew on the fourth year when selected properties will be programmed for inspection or reinspection.

Fees

Any fee charged will be to assist in the administration costs of the scheme. It is not intended to generate surpluses.

Personal information

Details of how all sensitive information will be handled and dealt with is given in the Privacy Statement at Appendix 3.



11 COMPLAINTS and DISPUTES

Complaint about a landlord

If a complaint is received about a landlord enrolled with the Lincoln Trusted Landlord Scheme the complaint will be acknowledged and referred to the accreditation scheme for its consideration using its complaints procedure.

If the accreditation scheme deems that the complaint is outside the scope of its scheme then they may refer it back to the Lincoln Trusted Landlord Scheme for its consideration.

Complaint about a property

If a complaint is received about a property owned by a landlord enrolled with the Lincoln Trusted Landlord Scheme then in the first instance the City Council will ask the landlord to investigate and, if it is found to be appropriate, prepare an improvement plan. The improvement plan will be presented to the Council for its consideration and agreement.

The Scheme administrators reserve the right to visit the property directly if it appears that there might be any deficiencies which give rise to “imminent risk of serious harm” i.e. those matters which might give rise to Emergency Remedial Action⁶ or an Emergency Prohibition Order⁷

⁶ Section 40 Housing Act 2004.

⁷ Section 43 Housing Act 2004

12 MARKETING and PROMOTION

The City Council will market and promote the Scheme and in so doing will consider how best to use the methods described below.

1. Production and distribution of promotional material including leaflets.
2. Maintenance of an up to date web page including links to the participating organisations, and an up to date list of all landlords enrolled within the scheme.
3. Maintenance of a webpage for enrolled landlords to give notification of local events such as training, policy and legislative updates.
4. Development of a logo to be used in association with the scheme and to be made available to all enrolled landlords for use with their own promotional material.
5. Development of certificates for use by enrolled landlords.
6. Preparation of a “welcome pack” for new tenants which will include information about local services and responsibilities. These packs to be made available to landlords.
7. Joint working with accreditation schemes and professional organisations

13 INTEGRATION with CITY of LINCOLN CORPORATE STRATEGIES and POLICIES

Dispensations in the licensing of houses in multiple occupation

In recognition of adherence to the terms of the accreditation scheme the following dispensations will be introduced to Lincoln's policy for the licensing of houses in multiple occupation

The **fit and proper person test** (section 66(1)-(3) Housing Act 2004) will be deemed to have been satisfied for the enrolled landlord on completion of a self-declaration form as part of the HMO licence application. There will be no requirement to submit a basic disclosure.

The **management arrangements** (section 66 (5) and (6) Housing Act 2004)) will be deemed to have been satisfied for the enrolled landlord.

A **verification visit** will not be made where the assessment of the application can be based on the written submission and drawings alone unless the inspection needs to be done as part of the 10% sample of properties. Inspections may still take place to check compliance with licence conditions.

The authority will be satisfied that there are no **part one actions** to be taken (section 55(5) and (6) Housing Act 2004, unless there is reason to think otherwise.

The reduced actions will result in a reduced HMO licence fee charge

Exemption from re-active enforcement inspections

Where a complaint is received about the condition of a property owned by an enrolled landlord the assumption will be made that the landlord will handle the complaint under the terms of the accreditation scheme.

The landlord will be given the opportunity to investigate and respond to the complainant.

The City of Lincoln will only investigate and pursue action if the complaint persists or reasonable progress is not made.

This has already been described under the heading of "11. COMPLAINTS and DISPUTES"

Exemption from pro-active inspections programmes

Where there is a planned programme of inspections concerning a geographical area or a particular class of dwelling then as a general rule properties owned by enrolled landlords will be exempt.



Assisting in the discharge of the homelessness duty

Referrals to accredited landlords

All local authorities have a duty towards homeless households. These duties are set out within the Housing Act 1996 and the Homelessness Act 2002. The Localism Act 2011 allows the council to discharge its homelessness duty into the private sector provided the accommodation is appropriate and suitable. In consideration of what is appropriate and suitable the City of Lincoln will direct homeless persons to accommodation owned by landlords who are members of an accreditation scheme if they are prepared to consider such nominations.

Access to Choice Based Lettings

The council will consider advertising privately owned properties as available to let only if the landlord is enrolled with the Trusted Landlord Scheme.

The Deposit Guarantee will be available by preference to landlords enrolled with the Trusted Landlord Scheme.

Co-ordinated approach to anti-social behaviour

The City of Lincoln will prepare a protocol to illustrate how the council and landlords can work together to help reduce anti-social behaviour.

Details of how all sensitive information will be handled and dealt with is given in the Privacy Statement at Appendix 3.

14 INTEGRATION with MANAGING and LETTING AGENTS

Letting Agents and Managing Agents are generally not eligible to join accreditation schemes and this precludes their inclusion in a scheme such as the Lincoln Trusted Landlord Scheme based as it is on a common badging principle. They may be eligible to join if they themselves are owners or landlords.

Given the important role of Letting Agents and Managing Agents the accreditation scheme provides a means by which Managing and Letting Agents could be affiliated to the scheme.

To be affiliated a Letting Agent or Managing Agent would need to demonstrate that they:

1. Are a member of a professional body (ARLA, NAEA, safeagent, UKALA) or an accredited member of a qualifying scheme where permissible.
2. Are a fit and proper person (for organisations this will apply to the principle partners or company officers).
3. Belong to a letting or property managing agents redress scheme.
4. Belong to an approved or designated client money protection scheme if clients' money is held.
5. Will display the current Energy Performance Certificate rating alongside any advertisement for property to let.
6. Will promote the Lincoln Trusted Landlord Scheme.
7. Will accept the principles of the Lincoln Trusted Landlord Scheme.

On receipt of an application the scheme administrator will carry out internal compliance checks .

Where an Agent meets the criteria listed above they will be accepted as an affiliate member of the Trusted Landlord Scheme. The Agent will be notified of their acceptance, will be provided with a promotional pack and our trusted landlord scheme database will be updated.

Affiliated letting agents and managing agents will be able advertise their engagement with the Scheme.

Where an agent does not fully satisfy the criteria above, their application for affiliate membership will not be accepted.

15 MONITORING and REVIEW

A steering group will be formed for the purposes of reviewing the operation of the scheme, the application of the protocol, performance against the aims, and the development of best practice.

The steering group will consist of representatives from the City Council and representatives of the accreditation schemes. Nominated landlords and nominees from other interested parties may also be included on the steering group.

Individual cases will not be considered by the steering group other than to assist in the assessment of the scheme.

The following performance measures will be recorded:

- The number of referrals from key partners in the scheme

- The number of landlords enrolled within the scheme

- Number of properties included within the scheme

- The annual increase or decrease in membership

- The number of new landlords

- The number of landlords who have withdrawn from the scheme

- The number of landlords, if any, who have been removed from the scheme.

- Number of anti-social behaviour instances linked to properties owned by enrolled landlords

- Number of complaints received by the City Council about properties owned by enrolled landlords and the actions taken.

APPENDIX ONE.

PROTOCOL to be AGREED BETWEEN THE CITY of LINCOLN AND INDIVIDUAL ACCREDITATION SCHEME ADMINISTRATORS

The accreditation scheme [NAMED] agrees to enter into an agreement with the City of Lincoln whereby it will be a participatory organisation for the purposes of the Lincoln Trusted Landlord Scheme

The accreditation scheme will:

1. Promote the Lincoln Trusted Landlord Scheme generally
2. Promote Lincoln Trusted Landlord Scheme to all members known to let residential accommodation in Lincoln
3. If one of its members applies to the Lincoln Trusted Landlord Scheme for membership then the participating scheme will provide membership details to Lincoln scheme administrators on request
4. Inform the Lincoln Trusted Landlord Scheme administrators of changes to their scheme as soon as possible
5. Will inform the Lincoln Trusted Landlord Scheme administrators of any change of circumstances concerning their member which could affect that individual's continuing membership of their scheme
6. Will accept any referrals from the Lincoln Trusted Landlord Scheme administrators concerning possible infringement of their scheme rules (both the Lincoln Trusted Landlord Scheme and that of the accreditation scheme)
7. Will let Lincoln Trusted Landlord Scheme administrators know of the outcomes of their investigations into any complaint.

The City of Lincoln will:

1. Promote the Lincoln Trusted Landlord Scheme generally.
2. Will promote the accreditation scheme alongside other participatory schemes
3. Inform the Lincoln Trusted Landlord Scheme administrators of changes to their scheme as soon as possible
4. Will provide the format for applications to be made to the Lincoln Trusted Landlord Scheme
5. Will provide the administrative support for the Lincoln Trusted Landlord Scheme
6. Will accept applications to the Lincoln Trusted Landlord Scheme from eligible members of the accreditation scheme
7. Will consult with the accreditation scheme to establish that an applicant to the Trusted Landlord Scheme is a member of their scheme.

8. Will refer complaints about an individual landlord to the accreditation scheme for investigation according to their rules
9. In any investigation of complaint against a member of the accreditation scheme will abide by the schemes' adjudication; unless there is an obligation to take statutory action.
10. Will publicly recognise successful applicants to the Lincoln Trusted Landlord Scheme
11. Will make provision to ensure compliance of those parts of the Lincoln Trusted Landlord Scheme which are not included in the accreditation scheme.
12. The City council will consult with the accreditation scheme concerning any changes to the policies referenced within the scheme, and in particular will consult on any guidance concerning local interpretation of housing standards.



APPENDIX TWO

CITY OF LINCOLN TRUSTED LANDLORD SCHEME

TERMS AND CONDITIONS.

These are the terms and conditions for landlords and letting agents who wish to enrol, and are accepted onto, the City of Lincoln's Trusted Landlord Scheme (the "Scheme").

Pre-condition

To enrol onto the scheme the landlord must first be accredited with one of the **recognised organisations**.

The **recognised organisations** are:

1. Decent and Safe Homes (DASH)
2. National Residential Landlords Association (NRLA)
3. Lincoln Student Housing Accreditation Scheme
4. The Private Rented Sector Accreditation Scheme (PRSAS)

Recognised accreditation schemes may be added or removed from this list with the authorisation of the Private Housing Team Leader

Fit and proper compliance

All applicants will be checked against the Rogue Landlord Database, the City of Lincoln Council records relating to prosecutions and civil penalties and housing enforcement records in relation to banning order offences.

Where detrimental information is found it is likely the applicant will be excluded from the scheme.

Training and Knowledge

Where the accreditation scheme does not have an assessment of competence and continuing professional development then members of the Trusted Landlord Scheme are required to provide evidence of initial and ongoing training and knowledge relevant to property management

Standards

The standards to be applied to the management of residential properties and tenancies in the control of the enrolled landlord shall be the standards set out in the code of practice of the accreditation scheme to which the landlord subscribes.

The landlord will also agree to abide by any additional terms of the **Scheme**. These are described in section 8 “*ANTI SOCIAL BEHAVIOUR and NEIGHBOURHOOD RELATIONSHIPS*”

Where the City has adopted a protocol for landlords and letting agents to aid with the handling of problems concerning anti-social behaviour they will work to the terms of that protocol so far as is reasonably possible.

Inspection of properties

A condition of the **Scheme** is that up to 10% of the landlord's properties in Lincoln are assessed. The landlord should assist in providing access to the selected properties and provide copies of relevant documents to aid the assessment. At the discretion of the City Council, it may be determined that a virtual inspection would be acceptable to assess compliance with property standards.

After a landlord has been accepted into the Trusted Landlord Scheme then should he/she acquire any further residential property within the city boundary for the purpose of letting, or if any of the original properties are disposed of then the landlord should notify the council without undue delay.

Promotion of membership of the Scheme

Whilst the landlord is enrolled with the Scheme he/she may freely advertise that membership in any promotional material, and may use any logo developed by the Council for that purpose.

Where the landlord ceases to be enrolled with the scheme for whatever reason then he/she must without delay remove any promotional material, whether paper or electronic, which suggests or could imply current membership of the Scheme. For the purposes of clarity the advertisement of historic enrolment need not be withdrawn.

Payment

Where the City Council charges a fee in respect of enrolment into the scheme then this will be paid by the landlord within 30 calendar days of the invoice being raised.

Exclusion from the Scheme

If a Trusted Landlord is in breach of the Terms and Conditions of the Scheme, or otherwise fails to meet the requirements of the scheme or brings the scheme into disrepute then that person may be excluded from the scheme.

Where the Council decides to exclude a person from the scheme then the right of appeal against such a decision will follow the corporate complaints procedure.

APPENDIX THREE

CITY OF LINCOLN TRUSTED LANDLORD SCHEME

PRIVACY NOTICE

How we protect and use your personal information

City of Lincoln Council are the controllers of the information you provide. We take your privacy seriously and laws including the Data Protection Act 2018 state that we must:

- use your personal information fairly, lawfully and be open with you about this
- use it for a particular purpose and not do anything incompatible with this
- keep your information accurate and delete any inaccuracies without delay
- obtain from you only the information which is necessary
- retain your information only for as long as necessary
- store your information safely and securely

Why we need your personal information

We require your name, contact details and a list of the properties owned [or managed] by you within the boundary of the council for the purposes of administrating and promoting the trusted landlord scheme.

We need your information for the legal reason that it is necessary to perform our official duties in promoting housing standards in accordance with Parts 1-4 of the Housing Act 2004. This may include details of any criminal convictions you may have where relevant, see further details below.

Who we share your personal information with

We will share your information where necessary with;

- the landlord accreditation bodies to whom you belong, this includes any complaints against you as a landlord or against any of your properties including the outcome of property inspections.

- your name and the streets where you own or manage properties will be published online on the trusted landlord scheme website.
- Other sections of the council such as;
- Housing solutions team (to advertise your accommodation)
- Public Protection and Anti-Social Behaviour (in relation to any complaints)
- Private Housing enforcement team (in relation to complaints and housing offences for example failure to obtain a Houses in Multiple Occupation (HMO) licence.

This may include the sharing of sensitive data relating to any criminal convictions you may have as all applications will be checked against the Rogue Landlord Database (Housing and Planning Act 2016) and the Council's records relating to prosecutions, civil penalties and housing enforcement records.

We also share information when we are legally required to do so such as with the Police or HMRC for example for the prevention and detection of crime.

How we keep your information secure and how long with keep it

Your information will be stored in accordance with appropriate security measures. Your information will be retained throughout your membership of the scheme and for 3 years following the end of your membership or for 6 months following any unsuccessful application.

Your data protection rights

[You have the right to request access to your information, to request that it be rectified if incorrect, to object to or restrict its processing and to its erasure in certain circumstances. For further information regarding your data protection rights see our council privacy notice \[www.lincoln.gov.uk/privacy-policy\]\(http://www.lincoln.gov.uk/privacy-policy\)](#)

Your right to complain

[If you want to know more about your rights relating to the information we hold about you or you have a complaint regarding the way we have handled your information please contact our; Data Protection Officer at: City of Lincoln Council, City Hall, Beaumont Fee, LN1 1DD. Telephone 01522 881188 or \[dpo@lincoln.gov.uk\]\(mailto:dpo@lincoln.gov.uk\)](#)

If however you remain unhappy, then you have a right to complain to the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 or visit www.ico.org.uk or email caseworker@ico.org.uk.



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SECTION A

Name of policy / project / service	The Trusted Landlord Scheme
Background and aims of policy / project / service at outset	<p>The scheme arose out of an Executive resolution of 15 December 2014 to create a local authority led accreditation scheme. Executive had given consideration to a report on the growth of houses in multiple occupation in Lincoln. Accreditation schemes for private rented accommodation are entirely voluntary but do complement enforcement of standards. Accreditation schemes aim to increase the professionalism of landlords and to bring about improved living conditions. Although the proposal arose out of the study of HMOs the scheme embraces the whole of the private rented sector, estimated to be one fifth of Lincoln's total housing stock.</p>
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	<p>Alan Jones, Private Housing team Leader</p>
Key people involved <i>i.e. decision-makers, staff implementing it</i>	<p>Director of Communities and Environment. Assistant Director (Simon Colburn) Service Manager (Sara Boothright)</p>

SECTION B

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

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	✓			A large proportion of the tenant population is made up of students. Research shows that for the worst HMOs the most vulnerable are often very young children. Whilst the scheme will not be targeting the worst housing it will help to drive up standards overall.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Disability including carers (see Glossary)	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Gender re-assignment	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Pregnancy and maternity			✓	There is no direct impact	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Race	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Religion or belief	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.	Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Sex	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a	Yes/No/NA	No actions are planned. Future work is dependent

				fit and proper person test which precludes those who have practised unlawful discrimination.			upon Executive's acceptance of the proposal.
Sexual orientation	✓			Trusted Landlords will be expected to abide by a code of practice, and will be subject to a fit and proper person test which precludes those who have practised unlawful discrimination.		Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Marriage/civil partnership			✓			Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.
Human Rights (see page 8)	✓			The primary thrust of the scheme is to make sure the rented accommodation is safe and to protect the tenants from harm.		Yes/No/NA	No actions are planned. Future work is dependent upon Executive's acceptance of the proposal.

55 • 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 gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
Details about the number and proportion of young people who suffer from poor conditions in HMOs	Y	Undertake desk top exercise to locate the research papers

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):

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

Conclusion of Equality Analysis (describe objective justification for continuing)	The Scheme is about improving standards and management in the private rented sector and can only be a good thing.
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60

When and how will you review and measure the impact after implementation?*	The measures are included in the scheme itself.
--	---

Checked and approved by responsible officer(s) (Sign and Print Name)	Alan Jones	Date	14 June 2016
Checked and approved by Assistant Director (Sign and Print Name)		Date	

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/

SUBJECT:	PROPOSAL TO INTRODUCE A PUBLIC SPACE PROTECTION ORDER TO PREVENT ANTI-SOCIAL BEHAVIOUR AT LUCY TOWER MULTI-STOREY CARPARK, BROADGATE MULTI-STOREY CARPARK AND LINCOLN CENTRAL MULTI-STOREY CARPARK
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCESCA BELL, PUBLIC PROTECTION, ANTI-SOCIAL BEHAVIOUR AND LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To inform the committee of the proposal to implement a Public Space Protection Order (PSPO) to provide additional tools and powers to reduce and manage incidents of ASB and drug use within our multi-story car parks namely Lucy Tower, Lincoln Central and Broadgate. Location Map attached as **APPENDIX A**.
- 1.2 To inform the committee of the public and partner consultation responses received and to seek the views of the committee on the proposal.

2. Executive Summary

- 2.1 In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour.
- 2.2 The PSPO's are flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the behaviour unreasonable.
- 2.3 The purpose of the proposed PSPO is to provide additional tools and powers to tackle ongoing and protracted ASB occurring on a regular basis within our Multi-Story car parks.
- 2.4 The proposed PSPO would be put in place for a maximum period of three years after which a full review would take place. Through the consultation we have sought the views of the partner agencies on the following points:
 1. Does your agency have any information in support of or against the proposal of the PSPO?
 2. Does your agency have any concerns or objections to the proposed PSPO?
- 2.5 We sought the views of the public on the following points:

1. Do you have any information in support of the proposed PSPO?
2. Do you use our multi-story car parks, and if not why?
3. If you use our multi-story car parks have you witnessed any anti-social behaviour?
4. Do you have any concerns or objections to the proposed PSPO?

2.6 The City of Lincoln, much like other towns and cities nationally, has seen an increase in on street ASB particularly linked with substance misuse and associated issues such as begging, leaving behind drug paraphernalia and using areas as toilets. These issues have manifested across the city centre and have become a recurring problem particularly within our multi-Storey car parks which have resulted in the public and car parking staff reporting intimidating and unpleasant incidents.

2.7 The introduction of a PSPO would provide the framework and tools and powers to better protect the multi-storey car parks, our employees and the public from harm. Multi-storey car parks have been negatively impacted by ASB due to the shelter and privacy they provide to those wishing to engage in anti-social acts. As a result we do not see ASB in our open air car parks.

3. Background

3.1 For a number of years City of Lincoln Council has received significant complaints relating to the Anti-Social Behaviour taking place in our multi-story car parks. The main concerns relate to drug use and paraphernalia such as needles being left behind, additionally the stairwells are being used as a toilet, smelling particularly strong of urine but also containing faeces on occasion.

3.2 From January 2019 to 9th December 2019 the council had reported via our internal incident report system across the following sites; Broadgate, Lucy Tower, Central multi-storey car parks and the bus station a total of 706 incidents.

Broadgate multi-storey car park had a total of 369 reported incidents.
 Lucy Tower multi-storey car park had a total of 212 reported incidents.
 Central multi-storey car park had a total of 124 reported incidents.

3.3 Areas of the car parks are often unsanitary and pose a health and safety risk to both the Public and Employees that use the areas. Additionally the car parks are often the first and last image that visitors have of Lincoln and do not portray Lincoln as a vibrant, safe and welcoming city.

3.4 As well as recommending the introduction of a PSPO the council has already taken positive steps to address the number of reported incidents. The Council has recently introduced CCTV at both the Lucy Tower Street and Broadgate Car parks. Central Carpark had CCTV in already. CCTV is assisting with deterrence, and will also assist in the enforcement aspects of the proposed PSPO. The Council has also put on additional security patrols to support staff and give reassurance to the public.

- 3.5 The limited number of responses to the consultation would suggest that despite the numbers of incidents reported by our staff, the diligent work of Council staff is successfully making sure that the vast majority of carpark users are able to use facilities without witnessing any of the problems.

4. Public Space Protection Orders

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

The first condition is that:

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 4.3 The second condition is that the effect, or likely effect, of the activities:
- a) is, or is likely to be, of a persistent or continuing nature,
 - b) is, or is likely to be, such as to make the activities unreasonable, and
 - c) justifies the restrictions imposed by the notice.

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

- 4.4 A Public Space Protection Order is an order that identifies the space to which it applies ("the restricted area" within which the impact has or is likely to occur[ed]) and can make requirements, or prohibitions, or both within the area. This means that the local authority can, by virtue of the order, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues are still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.
- 4.5 The Anti-Social Behaviour Crime and Policing Act rescinded powers known as gating orders. This Power has now been replaced by Public Space Protection Orders.

5. The consultation

- 5.1 On Monday 23rd September 2019 a public and partner consultation was launched. The consultation closed at 5pm on Friday 8th November 2019. As part of the

consultation partners were approached directly seeking their views and any evidence they may hold in relation the proposed PSPO.

The proposed PSPO would be put in place for a maximum period of three years after which a full review would take place. Through the consultation we have sought the views of the partner agencies on the following points:

1. Does your agency have any information in support of or against the proposal of the PSPO?
2. Does your agency have any concerns or objections to the proposed PSPO?

We sought the views of the public on the following points:

1. Do you have any information in support of the proposed PSPO?
2. Do you use our multi-storey car parks, and if not why?
3. If you use our multi-storey car parks have you witnesses any anti-social behaviour?
4. Do you have any concerns or objections to the proposed PSPO?

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

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

In addition to this we have also advised relevant portfolio holders of the consultation and City of Lincoln Communications team have put out information of the public consultation.

- 5.3 In response to the consultation we have received a total of 10 responses. 6 from the public and 4 from partners. Of the 4 partner responses 2 were in favour, 1 opposed and one indifferent. Of the 6 public responses 4 were in favour, one wanted further information and 1 suggested using weaponising music. The 4 public responses that supported the PSPO all gave examples of what they have witnessed first-hand when using our multi-storey car parks. A copy of the comments received is provided in **APPENDIX B**.

- 5.4 Lincolnshire Police responded to the consultation stating;

'Lincolnshire Police would be supportive of the proposed PSPO to cover the ongoing issues within Lincoln car parks as highlighted. Whilst we are aware of a number of incidents, which are usually reported to us via CCTV, we are also aware that a proportion are not reported to police and are managed by local

partners. I would observe that the conditions are not stipulated within the consultation, but the broad aims of the PSPO are set out. We would be supportive of those aims, specifically with the intent to reduce ASB in public areas, especially where the public are encouraged to utilise these facilities.'

5.5 Of the responses received they fell into four specific areas.

- a. In favour of the PSPO – 3 responses
- b. In favour but with concerns about displacement or enforceability 3– responses
- c. Against due to criminalisation of the vulnerable / those causing ASB – 1 response
- d. Against as they do not agree there is a problem in the carparks - no responses.

Three responses did not express a view – Total 10 responses.

5.6 To address points B and C above:

With regard to point B, The problems that are arising in our multi-story carparks may be displaced as a result of introducing a PSPO however, whilst the PSPO is fundamentally an enforcement tool it will be the council's intention to continue to offer support to holistically address issues in tandem with any enforcement actions that are necessary. With the projects that are currently running across Lincoln City all agencies will be in a better position to jointly tackle anti-social behaviour and to offer comprehensive support to individuals where there is a willingness to engage positively with agencies. By implementing a PSPO the aim would be to disrupt the cycle of ASB across these locations.

With regard to point C, The council and Partners will continue to make a robust offer of support to those who may require any additional support. Criminalisation will remain a last option however it is expected that some enforcement will be necessary to deter ASB and tackle entrenched behaviour alongside support. A robust approach is required to ensure public and employee safety and there is a legal requirement for the council to ensure that its buildings and structures are safe and managed appropriately.

6. The Evidence

- 6.1 The total number of people using or attempting to use drugs in our carparks is most likely a core of 20 – 30 people who continuously use the carparks to take drugs often multiple times a day. We know this from speaking directly with car parking employees as well as from the information gathered by the councils Intervention Team and neighbourhood policing teams who attend incidents and patrol the carparks. These are either from or associate with people at the Corner house (Broadgate) or visit the Addiction centre near Lucy Tower. Those who cause ASB in our multi-storey carparks can be genuinely homeless or people sleeping off the effects of drugs.
- 6.2 Total reported incidents at Broadgate, Lucy Tower and Central multi-storey car parks were 706. However some of these reports contained multiple incidents within one report and so the actual number of incidents may be much higher.

- 6.3 Central car park has a higher incident rate less by way of drug taking more by way of abusive youths, skateboards and youths on bicycles. Central multi storey car park had a total of 124 reported incidents.
- 6.4 Broadgate multi storey car park had a total of 369 reported incidents.
- 6.5 Lucy Tower multi store car park had a total of 212 reported incidents.
- 6.6 Our records show that police were called 173 times.
- 6.7 Our records show 11 ambulances were called in relation to drugs or our known on street cohort of individuals.
- 6.8 Full details of the information provided from our internal incident reporting system provided by City of Lincoln Council Corporate Health and Safety Team are shown in **APPENDIX C**

7. The Proposal

- 7.1 To introduce a PSPO to cover our multi-story carparks namely Lucy Tower, Lincoln Central and Broadgate.

That the proposed PSPO (Draft order) is attached as **APPENDIX D. APPENDICES A1, A2 and A3** show each location. The proposal is for each site to have its own order. The inner thick red line shows the site boundary and the outer red line shows where the PSPO will extend to beyond the site boundary. This is 5 meters beyond the site boundary. The purpose for the extended boundary is to prevent ASB such as begging or drug use taking place directly outside access and exit points of the carparks. Both the carpark and the additional 5 meter boundary will be covered by the PSPO being sought.

- 7.2 The PSPO is proposed to remain in place for a maximum of three years before review, however it is proposed that a review be undertaken with the Service Manager, Assistant Director and Portfolio Holder after 12 months and any matters arising fed back to Policy Scrutiny Committee.
- 7.3 Members would need to be satisfied that the legal conditions, laid out above in sections 4.2 and 4.3, have been met. Officers' view is that these requirements have been met based upon:

- Evidence gathered by the Council itself, and from other associated agencies including the Police, recording crime and ASB statistics for the area.
- Feedback from the consultation attached as **APPENDIX B**. Full responses are available on request from Democratic Services.

8. Additional powers the PSPO will provide

- 8.1 The PSPO will provide a quicker and simpler response to ASB in our multi-storey carparks compared to the current provisions available. The PSPO will enable authorised officers to issue a fixed penalty notice (FPN) to a person who commits

an offence, where deemed appropriate, as set out in 7.1 above. In extreme cases or where proportionate a perpetrator can be summoned to court for prosecution but this would ordinarily only be done where there are repeat or extreme cases of ASB.

- 8.2 The FPN Amount currently issued for the City Centre PSPO is £75 reduced to £50 if paid within 10 days. Additionally, if they agree to attend We Are With You it's £40. It is proposed that these fine levels are also used for this PSPO if approved.
- 8.3 Failure to comply with either a prohibition, or requirement, within the order is an offence. Upon summary conviction (offences heard within the Magistrates Courts) defendants can face a fine not exceeding level three on the standard scale (currently £1000). The defendant cannot be found guilty of an offence under a prohibition/requirement where the local authority did not have the power to include it in the order. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN).
- 8.4 The PSPO should be viewed as an additional tool in tackling ASB and the full range of existing powers can still be utilised where appropriate. It is also noteworthy that the council will still work hard to engage perpetrators of ASB with support services and this option may be utilised as an alternative to enforcement where deemed appropriate.
- 8.5 By working with our car parking staff over the last 6 months they are now able to identify the majority of ASB perpetrators that frequent our car parks and along with the use of CCTV this will further enable both the identification of ASB perpetrators and the gathering of evidence to ensure a robust approach is taken where ASB is committed.

9. Implementation of the PSPO

- 9.1 The PSPO if agreed, could be implemented quickly. It is recommended that some communications messages be done at the time of the implementation and that some signage also be placed around the premises effected.
- 9.2 The enforcement of the PSPO will be undertaken by the PPASB Team, The Intervention Team and supported by Police where appropriate and where resource permits.
- 9.3 The introduction of bodycams for car parking employees and CCTV in these locations will assist PPASB officers and police officers in enforcing breaches of the order where necessary. The PSPO will be administered alongside an offer of assistance for the individual wherever possible.

10. Impact of Covid-19

- 10.1 Due to Covid-19 this report has been delayed in being put before the committee for consideration. The information presented remains relevant and the issues described within remain.
- 10.2 Updated statistics are contained within **APPENDIX E**. Any drop in incidents from March is most likely due to lack of use of facilities and staffing in car parks during

Lockdown and the Covid-19 pandemic.

- 10.3 Due to Covid-19 it is even more necessary to ensure that individuals are not placing themselves in a position to require close contact from other members of the public or services. The ongoing risk of Covid-19 adds an additional consideration when carpark attendants are requiring individuals to leave, checking those asleep or under the influence are ok or coming into contact with individuals sitting in the already narrow stairwells within the carpark. Additionally these risks are also passed to the public that use the carparks and to services attending the carparks.
- 10.4 With the current threat of Covid-19 there is a very clear requirement for our buildings and property to be Covid Secure and a need for the customers to be able to safely use the facilities provided.

11. Strategic Priorities

11.1 Let's drive economic growth

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

11.2 Let's reduce inequality

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

11.3 Let's enhance our remarkable place

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

12. Organisational Impacts

12.1 Finance (including whole life costs where applicable)

There are no financial implications

12.2 Legal Implications including Procurement Rules

There may be a resource required to process prosecutions. Members should satisfy themselves that the PSPO meets the conditions set out in the report and that the PSPO is a proportionate response to the reported anti-social behaviour.

12.3 Land, property and accommodation

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

12.4 Human Resources

There are no human resources implications

12.5 Equality, Diversity & Human Rights

The proposal does not have any direct Human Rights implications.

12.6 Corporate Health and Safety implications

The introduction of the PSPO would alleviate the Public Health and Safety concerns associated with the car parks currently.

13. Risk Implications

13.1 (i) Options Explored

- a. To take no further action – without the PSPO the council can continue to use other powers such as Community Protection Notices and Injunctions in cases of extreme ASB. This process is being used currently however due to the incremental requirements of community protection notices and other powers the process can be lengthy and doesn't give any immediate sanctions to deter persons causing ASB.
- b. To introduce a PSPO providing addition tools and powers to address the ongoing issues of ASB. It may displace ASB however partners have a range of interventions in place that should allow them to tackle continued ASB.

13.2 (ii) Key risks associated with the preferred approach

There is a possibility that by introducing a PSPO that this will increase the prevalence and visibility of drug taking and possibly defecation in other areas. However with the ongoing interventions across the city there will support available for vulnerable individuals that wish to engage.

14. Recommendation

- 14.1 That the committee consider fully the proposal to implement a PSPO and if satisfied with the proposal approve and recommend to executive committee.

Is this a key decision? Yes

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? 7

Appendix A – Location Map of Car Parks
Appendix A1 – Broadgate MSCP Map
Appendix A2 – Central MSCP Map
Appendix A3 – Lucy Tower MSCP Map
Appendix B – Anonymised consultation responses

Appendix C – Incidents Report provided by CoLC
Corporate Health and Safety for January – December
2019

Appendix D – Draft Order

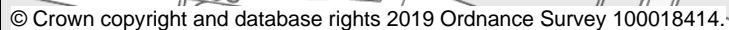
Appendix E – Incidents Report provided by CoLC
Corporate Health and Safety for January – July 2020

List of Background Papers:

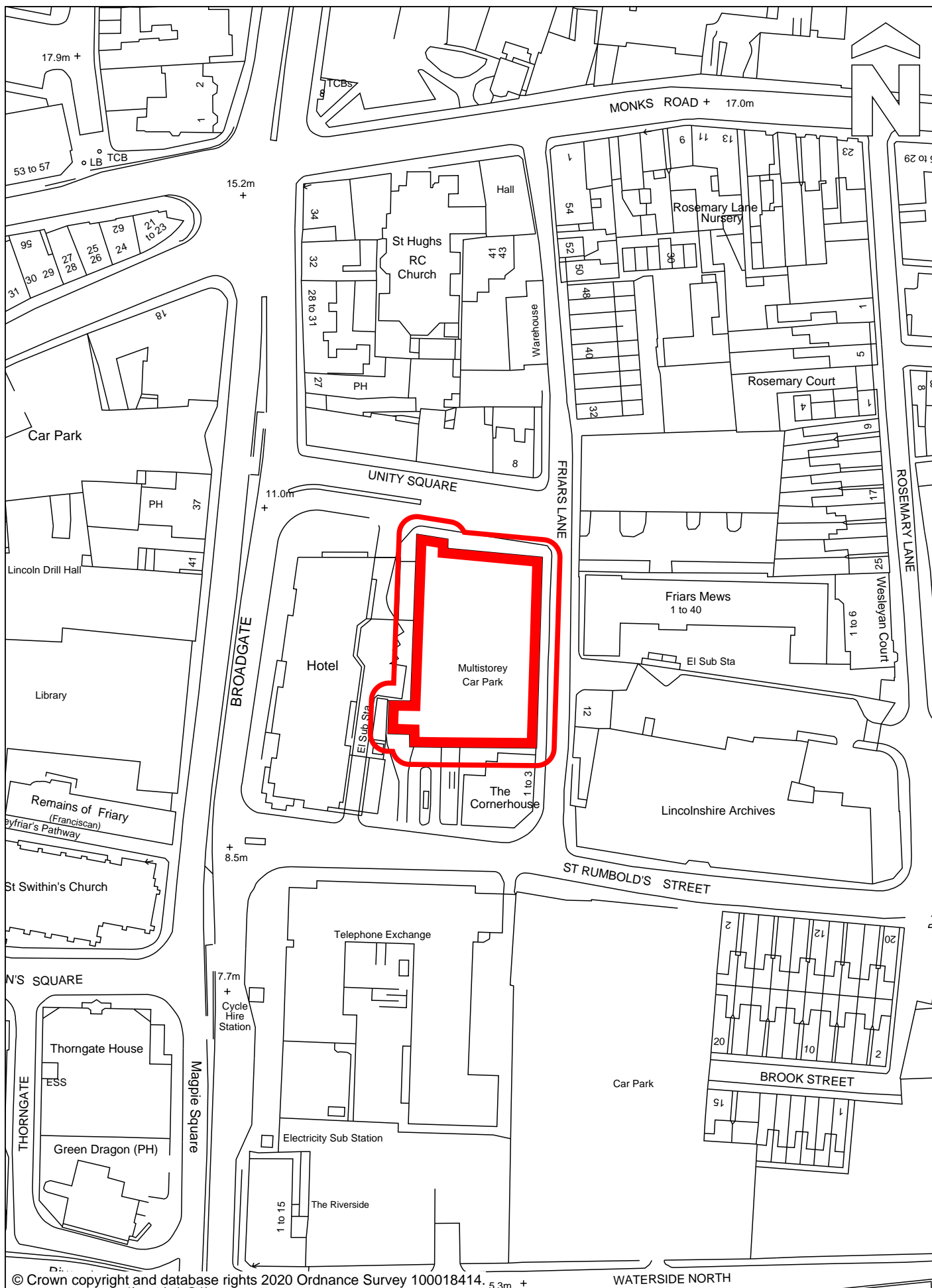
None

Lead Officer:

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



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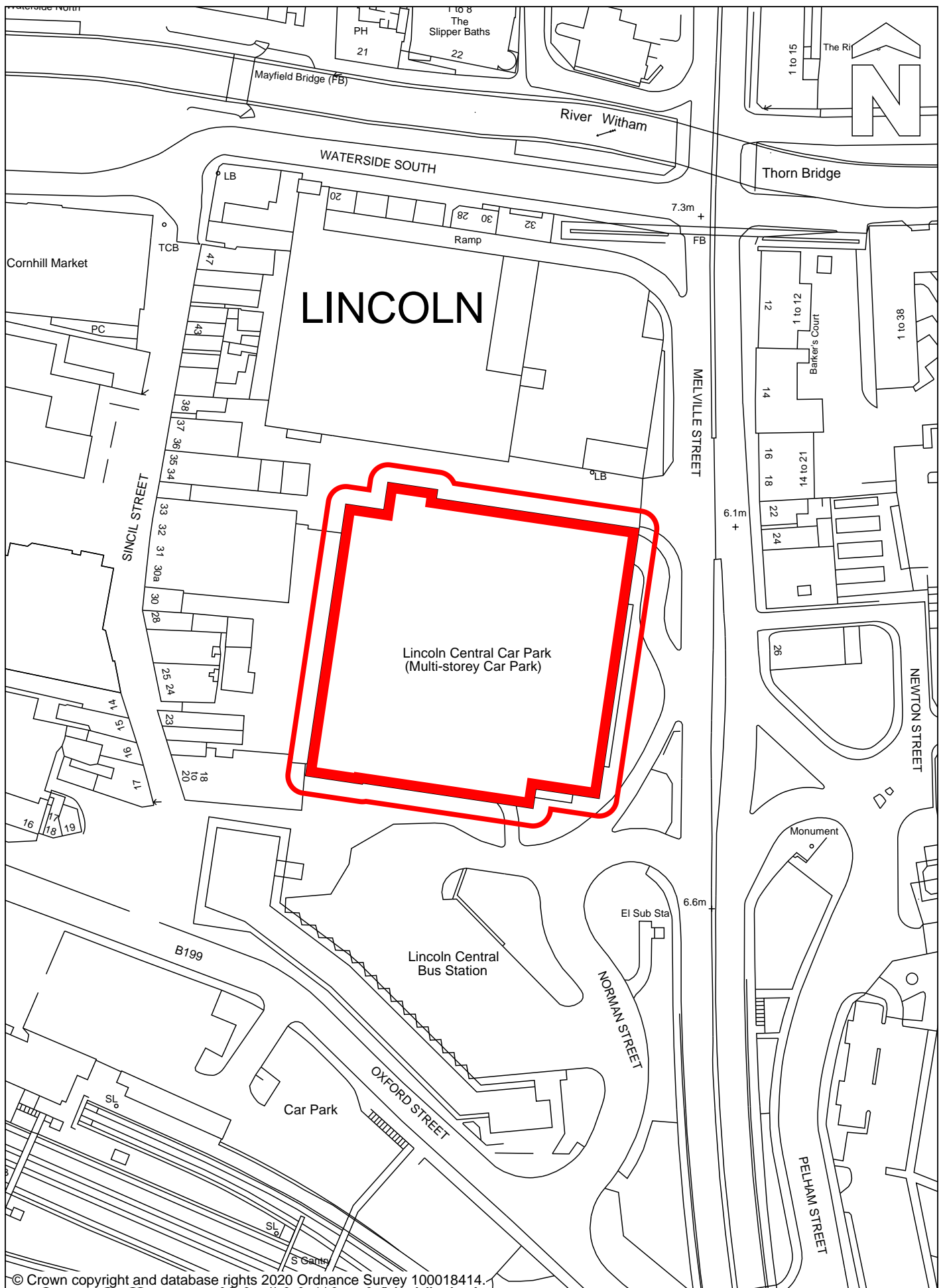


Broadgate Multi-storey Car Park PSPO

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Version 1: 26-Feb-2020

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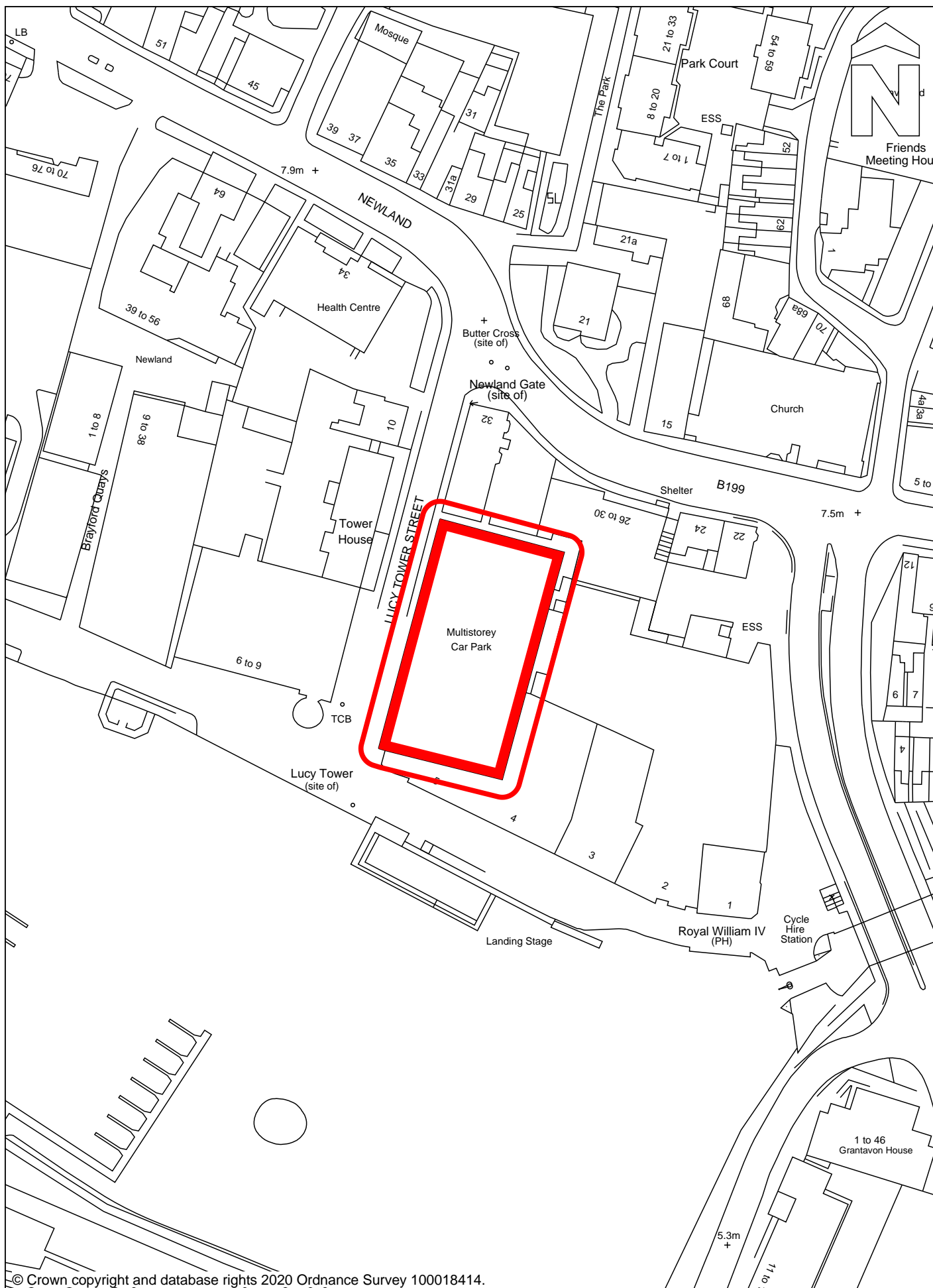
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Lincoln Central Multi-storey Car Park PSPO

Scale: 1:1250 at A4

Version 1: 26-Feb-2020

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Lucy Tower Street Multi-storey Car Park PSPO

Scale: 1:1250 at A4

Version 1: 26-Feb-2020

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Public Responses:

1. I generally agree with the proposal to prevent drug users, anti social behaviour and car parks being used as toilets, but by closing areas off to these people they will merely move somewhere else, provision needs to be made for them in order to prevent them using the car parks I do use all the multi car parks mentioned but would never use them on my own at night

2. Please find my comments below. I am a middle aged woman, using Broadgate car park normally alone. Frequently I carry my laptop.

I have multiple times been afraid for my personal safety. On getting into my car at the end of the day anywhere from 4-5:30 pm the first thing I do is centrally lock all doors.

The feeling of insecurity is worse in winter months when it is dark so early.

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

I arrive in Broadgate car park around 07:30am. I NEVER use the stairs in a morning now, the lifts are frequently not on by 7:35-7:40, so I walk down the car ramps.

2. Do you use our multi-storey car parks, and if not why?

Yes, mostly Broadgate at least 5 days a week for work and sometimes the new one by the bus station.

3. If you use our multi-storey car parks have you witnesses any anti-social behaviour?

Yes. Only in Broadgate. Multiple times I have mentioned to the attendant where I have passed sleepers just for his information.

This is not me complaining about the attendant, it was more just to mention to him so he knew where to look.

- Blatantly open drug dealing
- Men who either have mental difficulties or drug addiction shouting and running across the car park
- Addicts hanging around in the general area
- Car park users being targeted on leaving the car park for begging purposes
- Using the area for toilet activities
- Using the area next to the lift to sleep
- Using the stairwell to sleep

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

No, the worst thing to do is nothing. I am very pro any action to address the current issues. I would welcome feeling safe and commend you for any action.

Many thanks

Christine

3. To PPASB@lincoln.gov.uk with the subject heading as PSPO/MSCP 2019.

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

I have regularly witnessed the increase in anti-social behaviour in the multi-storey car parks (and in the centre of Lincoln) . This deters myself , and others whom I've spoken to , from coming into Lincoln centre other than for work and when I do come in I now try to use surface car parks .

2. Do you use our multi-storey car parks, and if not why?

Yes , however I have recently reduced usage of Broadgate and Lucy Tower because of anti-social behaviour and not feeling safe in these multi-storeys . For these reasons I have not used the new Central Car Park since it opened. I certainly would not use any of the multi-storey car parks in the evenings .

3. If you use our multi-storey car parks have you witnessed any anti-social behaviour?

Drug taking , shouting , intimidating behaviour , excrement and urine on the staircases in Broadgate and Lucy Tower. I feel very concerned about parking services' staff who have to deal with

this on a daily basis and I would advocate most strongly that all the Council's multi-storey car parks should have two attendants on duty at all times for reasons of improved Health and Safety for public and staff .

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

NoI support it but how is it going to be actioned / enforced ?

It would be better if Ad Action and The Corner House were located elsewhere as their proximity to multi storey car parks and hotels where visitors stay is contributing to this situation .

I have lived here for 20 years and chose to move here because Lincoln was a safe and attractive city . The anti- social behaviour is a growing problem which needs to be addressed as it is driving residents and tourists away from the centre of Lincoln . It is also creating an unfavourable impression on students and other visitors .

4. The issue here is going to be enforcement and how it will be funded?

What are the specific "tools and powers" that are being proposed?

Clarification would be greatly appreciated.

5. I support wholeheartedly the proposed PSPO on the multi storey car parks in Lincoln. I use the Lucy Tower carpark when I shop in the city centre and for visiting the cinema. When using the car park my family and I will always avoid the stairs and lift, and walk up/down using the same route as the cars as in our opinion it is safer and more hygienic. Also as the drug users congregate around the stair and lift area, we will enter and exit from the front of the car park. It's a shame that we have felt the need to do this for a good few years. I live here so I am used to the sights but for visitors it must be a bit shocking as the Brayford should be a welcoming clean and vibrant area. I cannot comment on the other car parks as I don't use them. My only concern would be where the drug users etc will choose to congregate next...

6. Good evening,

I came across your article via a local Facebook group and based on some recent research that I have done, I thought it best to contact you.

Have you ever thought about weaponizing music? Don't worry it is not as drastic as it sounds. Essentially, PA systems are installed within areas that have problems with anti-social behaviours and classical music is amplified. Both Cleethorpes Train Station and Hull Train Station have utilised this method with significant results.

Furthermore, classical music is also played in McDonalds at key points especially late and night, as well as on the London Underground. Again, both have noticed a significant decrease in anti-social behaviours.

There is a good amount of academic material that has researched the effects of music on behaviour, I have provided a few references below.

- Hirsch, L (2007) Weaponizing Classical Music: Crime Prevention and Symbolic Power in the Age of Repetition. *Journal of Popular Music Studies*, 19 (4) 342-358.
- Milliman, R (1982) Using Background Music to Affect the Behavior [sic] of Supermarket Shoppers. *Journal of Marketing*, 46, 86-91.

Partner responses

1. Interserve (Justice)

We have no objections

Thanks

2. Public Health LCC

Re: Proposal to introduce a PSPO to provide additional tools and powers to reduce and manage incidents of ASB and drug use within our multi-story carpark

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

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

- It would be interesting to know in more detail how this PSPO will be implemented / managed once in operation.

- Whilst we understand the need to reduce and manage incidents within the multi storey carparks, we do also have some comments/questions below which refer to the statements made within your proposal:

"For a number of Years City of Lincoln Council have received high volumes of incidents many of which have been logged on our own internal incident reporting system and a number of these have been reported to Lincolnshire Police."

"Over the last 12 months complaints have increased significantly. The main concerns relate to Drug use and Paraphernalia such as needles being left behind"

- Is there any backing data as part of the consultation? And if so, how can respondents be confident that the new PSPO is based upon an increased need that has been identified particularly in the last 12 months? Where are these statistics please?

The proposed PSPO will look to achieve the following:

1. Prevent access to those who are not using the carpark to leave or return to a vehicle.

How will this access actually be prevented? What preventions will be in place?

2. To follow directions to leave when asked by a member of staff or an authorised officer.

3. Not to cause harassment alarm or distress to the public or staff.

3. lincolnshire police

In relation to the below consultation:

Lincolnshire Police would be supportive of the proposed PSPO to cover the ongoing issues within Lincoln car parks as highlighted. Whilst we are aware of a number of incidents, which are usually reported to us via CCTV, we are also aware that a proportion are not reported to police and are managed by local partners. I would observe that the conditions are not stipulated within the consultation, but the broads aims of the PSPO are set out. We would be supportive of those aims, specifically with the intent to reduce ASB in public areas, especially where the public are encouraged to utilise these facilities.

4.P3

...We therefore cannot provide you with the support you seek for this course of action and we oppose actions – Such as a PSPO – that not only make it more difficult for the most vulnerable citizens to access support services but also criminalise non criminal activities....

APPENDIX C - MSCP incidents (January – December 2019)

The total people using or attempting to use drugs is probably a core of 20 – 30 people who continuously use the car parks to take drugs (3-3 times a day). These are either from or associate with people at the Corner house (Broadgate) or visit the Addaction centre. Rough sleepers can be genuine the homeless or people sleeping off the effects of drugs.

Central car park has a higher incident rate of abusive youths, skateboards and youths on bicycles.

Total reported incidents at Broadgate, Lucy Tower and Central multi storey car parks 706.

Broadgate multi storey car park had a total of 369 reported incidents.

Lucy Tower multi store car park had a total of 212 reported incidents.

Central multi storey car park had a total of 124 reported incidents.

December 2019 (up to 09/12/19)

16 incidents.

Broadgate. 8 incidents which involved

Moving on rough sleepers (2) 5 people using or attempting to use drugs (smoking or injecting drugs), clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower. 7 incidents which involved

(9) Youths on bikes riding around top floor, (1) rough sleeper and clearing up urine, excrement, blood, vomit and drug paraphernalia

Central car park. 1 incident which involved

(2) Youths on bikes

November 2019

67 incidents.

Broadgate 34 incidents which involved

55 people using or attempting to use drugs (smoking or injecting drugs), 25 rough sleepers moved on, (1) intoxicated, (2) potential self-harmers, ASB vehicles (1 moped, 5 cars). Police called 6 (101). (3) Aggressive behaviour. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 11 incidents which involved

5 people using or attempting to use drugs (smoking or injecting drugs), 4 rough sleepers moved on, (6) youths riding bikes, (6) youths on skateboards, (1) potential self-harmer, (14) youths top floor trying to climb over to the Odeon cinema. Police called (1) 101. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 11 incidents which involved

(7) Rough sleepers moved on, (3) possible drug users, (2) skateboarders, (9) youths on bikes. Police called (1) 101.

October 2019

88 incidents

Broadgate 43 incidents, which involved

76 people using or attempting to use drugs (smoking or injecting drugs), 19 Rough sleepers moved on, (3) aggressive behaviour, fighting. Police called (11), male defecate on entrance ramp, Significant signs of drug use found and removed clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 27 incidents, which involved

2) people using or attempting to use drugs (smoking or injecting drugs), 10 rough sleepers, moved on, (8) youths on bikes, (4) youths on skateboards, (1) abusive behaviour, Police called (2), 1 unconscious male, (5) youths on top level, Significant signs of drug use found and removed clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 11 incidents which involved,

(8) Youths abusive/threatening to staff, (2) joy riders abusive to staff, (6) youths on bikes, (2) youths on skateboards (who damaged a barrier), (1) rough sleeper, (6) youths running up and down the ramp into oncoming traffic, (1) once slight collision between car and bike (no injuries).

September 2019

89 Incidents.

Broadgate 49 incidents, which involved

130 people using or attempting to use drugs (smoking or injecting drugs), 23 rough sleepers moved on, Self-harm (1), abusive/aggressive behaviour (7), unconscious (2), contractors found hidden syringes (2), police called (12). Knife found embedded in metal plate taken to police. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 26 incidents, which involved

(11) rough sleepers, 18 people using or attempting to use drugs (smoking or injecting drugs), abusive/aggressive (2), (1) self-harmer, (7) youths on mopeds, (2) firing BB Gun on top level, (3) youths hanging over top level railings, (1) skateboard, (1) scooter, (1) unconscious male EMAS called, police called (3). Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 13 incidents, which involved

(7) Rough sleepers, (5) drugs, (5) skateboarders, (5) youths on bikes, police called (1), theft of bike persons arrested, (2) children messing about on 5th floor.

August 2019

50 Incidents

Broadgate 28 incidents, which involved

138 people using or attempting to use drugs (smoking or injecting drugs), 7 rough sleepers moved on, 3 threats of violence, 4 youths on bikes, police called (4), 1 ambulance called. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower 14 incidents, which involved,

17 people using or attempting to use drugs (smoking or injecting drugs), 9 rough sleepers moved on, 1 aggressive verbal confrontation, 10 youths on bike, 1 youth climbed over anti climb fence top level, 1 self-harmer, police called (2). Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 4 incidents, which involved

2 skateboarders, 2 scooters, 3 bikes.

July 2019

49 Incidents

Broadgate 21 incidents which involved

54 people using or attempting to take drugs, 16 rough sleepers moved on, 7 individuals intoxicated police called (3), 1 ambulance called. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower 16 incidents, which involved,

6 people using drugs, 11 rough sleepers moved on, 2 under the influence and aggressive, 1 ambulance called, police called (4), 5 youths on bikes and 3 on mopeds. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 5 incidents, which involved,

2 rough sleepers moved on, 7 teenagers moved on, 4 aggressive behaviour, and 1 bike riding around car park.

June 2019

85 Incidents

Broadgate 44 incidents which involved,

192 people using or attempting to take drugs, 4 rough sleepers moved on, 2 self-harmers, Police called (5). 1 bike, 1 fight, 3 children top level. Excrement under cone, male and female having sex on level 2 stairs, unconscious male, complaint from member of public regarding drug dealing, 15 needles found on one level. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower 18 incidents, which involved,

16 people using or attempting to use drugs, 4 rough sleepers moved on, 9 youths riding bikes, 2 boy racers, and 1 aggressive person. Significant signs of drug use

found and removed. Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 14 incidents, which involved,
11 people using or attempting to use drugs, signs of drug use. 2 people drinking, 4 skateboarders, 13 kids on bikes, 3 rough sleepers, One person spat at CEO, police (101) called once, 2 kids playing football on level 5.

May 2019

62 Incidents

Broadgate 33 incidents, which involved
87 people using or attempting to take drugs, 9 rough sleepers moved on, police called (6), 2 fire alarm activations (on the same day), 8 needles and large amount of drug paraphernalia found on level 14. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 13 incidents, which involved,
21 people using or attempting to take drugs, 5 rough sleepers moved on. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 7 incidents, which involved,
6 bikes, 3 skateboards 2 rough sleepers moved on, one person under the influence police called (1). 4 teenagers one claimed a car had tried to run him down

April 2019

49 Incidents

Broadgate 24 incidents, which involved
76 people using or attempting to take drugs, 5 rough sleepers moved on, police called (5), CEO came across 4 males, ground floor friar's lane 1 with his trousers down and his hand in a tub of Vaseline. 1 self-harmer, 2 acts of vandalism, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved,
11 people using or attempting to take drugs, 2 rough sleepers moved on, police called (3), 3 youths messing about top level Odeon side 3 youths climbing through safety netting on Odeon side police inform parents to pick them up. 3 youths on bikes, 2 self-harmers. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 7 incidents, which involved,
3 rough sleepers moved on, 9 youths on bikes, 5 skateboarders. 3 youths messing about with the lifts.

March 2019

91 Incidents

Broadgate 33 incidents, which involved

79 people using or attempting to take drugs, 9 rough sleepers moved on, police called (5), 4 aggressive, 5 under the influence/intoxicated, 6 boy racers, 1 self-harmer, One man washing his feet, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 22 incidents, which involved, 12 people using or attempting to take drugs, one with a dog, 1 rough sleeper, 7 males on top level 4 jumped over to the Odeon roof, 2 males 1 female jumped over from the Odeon roof, 2 male and 2 female teenagers spitting on people from the top level, 4 teenagers running up and down the ramps, 15 cars and 1 motorbike boy racers, 7 youths on bikes, 2 skateboarders, police called 2. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 22 incidents, which involved, 12 people using or attempting to take drugs, 8 rough sleepers moved on, police called (4), 4 aggressive, 5 under the influence/intoxicated, 10 skateboards, 29 bikes including spitting at office window, abusive behaviour, riding in front of cars, riding against the flow of traffic up and down ramps, 3 child scooters, 3 male teenagers and 1 female teenager messing around level 4 parking spaces, 6 teenagers top level, signs of drug use.

February 2019

62 Incidents

Broadgate 22 incidents, which involved 48 people using or attempting to take drugs, 5 rough sleepers moved on, police called (45), 2 males caught on stairwell with trousers down, 3 males 1 female smoking drugs and eating breakfast verbally abusive, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved, 8 people using or attempting to take drugs, 12 youths on bike, 2 scooters, 7 joy riders (cars) 1 motorbike, 2 abuse to customers using car park (from drug users), 1 vulnerable adult, police called (3). 3 youths on bikes throwing objects off the top level, 2 needles found behind ticket machine number 9, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 16 incidents, which involved, 37 youths riding bikes (up and down ramps, into oncoming traffic, up and down lifts), 5 skateboarders, 3 child scooters, 1 intoxicated male, Fire alarm set off, 2 teenage males and 1 female jumping off bannister, Teenage girl sliding down bannister 4th floor fell off landed 2nd floor, police called (3).

January 2019

86 Incidents

Broadgate 30 incidents, which involved

66 people using or attempting to take drugs, 13 rough sleepers moved on, police called (5), 3 boy racers, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 30 incidents, which involved, 30 people using or attempting to take drugs, 11 rough sleepers moved on, police called (5), 6 youths accessed addaction roof via fire escape, 7 skateboarders, 2 mopeds, 1 self-harmer, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central incidents, 13 which involved, 4 people using or attempting to take drugs, 2 rough sleepers moved on, police called (4), 8 youths throwing objects at glass stairwell glass, 10 youths smoking, swearing and shouting inside stairwell, 5 youths top level messing about, pressed lift help button, 4 youths being abusive throwing ones about, 4 youths on bikes pulling wheelies, shouting abuse threats to stab, 4 bikes on ground floor, 8 bikes on top level riding from top to bottom chased traffic in car park, 3 bikes one youth nearly hit by car (20 youths on bikes total), 9 skateboarders. Signs of drug use found and removed

CITY OF LINCOLN COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER X of 2020 (the “Order”) UNDER THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Lincoln Council Public Spaces Protection Order Number X of 2020 (Broadgate/Central/Lucy Tower Street multi-storey car park).

The City of Lincoln Council (“the Council”) under and in accordance with sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and all other enabling powers, hereby makes the following Order:

This order shall come into effect on DATE 2020 for a period of three years, subject to any future extension or variation under the relevant statutory powers.

This order applies to the area (the “restricted area”) shown edged red on the plan annexed to this order.

In this order:

An “authorised person” means a Police Constable, a Police Community Support Officer or an officer of the Council who must be able to present their authority upon request.

An “exempted use” means where an intoxicating substance is:

- a. used for a valid and demonstrable medicinal use;
- b. cigarettes (tobacco) or vaporisers; or
- c. a food stuff regulated by food health and safety legislation.

An “intoxicating substance” means substances with the capacity to stimulate or depress the central nervous system, including but not limited to alcohol, drugs and so-called ‘legal highs’.

A “permitted purpose” includes:

- a. all activities reasonably associated with the parking of a vehicle in the restricted area in accordance with the requirements of a relevant occupier; or
- b. entering or remaining in the restricted area owing to an emergency.

A “relevant occupier” means an owner or occupier of the restricted area or an employee of the relevant occupier with duties relevant to the restricted area.

1. No person in the restricted area shall engage in any of the following activities (each activity being a “prohibited activity”):
 - a. ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance unless for an exempted use;

- b. any activity likely to cause harassment, alarm or distress to any other person;
 - c. congregating in a group of two or more persons so as to cause an obstruction or give reasonable grounds for annoyance to any person;
 - d. loitering without a permitted purpose; or
 - e. anti-social behaviour, including but not limited to public urination or defecation, or any other unacceptable or offensive behaviour.
2. Any person reasonably suspected of engaging in a prohibited activity and given a direction to leave the restricted area by a relevant occupier shall do so as soon as reasonably possible.
3. Any person within the restricted area who breaches the prohibition at 1(a) shall surrender any intoxicating substances in their possession to an authorised person.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice up to £100.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

APPEALS AGAINST THIS ORDER

In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

GIVEN under the **COMMON SEAL** of
the City of Lincoln Council
On [] 2020]

THE COMMON SEAL of the }
CITY OF LINCOLN COUNCIL }
Was hereunto affixed }

In the presence of: _____ }

APPENDIX E - MSCP incidents Jan 2020 – July 2020 compared with 2019

January 2020

43 incidents.

Broadgate. 17 incidents which involved

16 people using or attempting to take drugs, 3 rough sleepers moved on, 3 children climbing fence of top level. 2 self-harmers, police called (3). 1 injury MOP slipped on ice. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower. 17 incidents which involved

29 people using or attempting to take drugs, 4 rough sleepers moved on, 3 skateboarders, Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia. 1 youth on roof abusive, police called (1)

Central car park. 9 incidents which involved

4 people using or attempting to take drugs, 7 Youths on bikes, 1 skateboarder, 2 groups of girls causing trouble and refusing to leave, one group of boys kicking a football on ground floor and refusing to leave. Police called (3).

January 2019

73 Incidents

Broadgate 30 incidents, which involved

66 people using or attempting to take drugs, 13 rough sleepers moved on, police called (5), 3 boy racers, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 30 incidents, which involved,

30 people using or attempting to take drugs, 11 rough sleepers moved on, police called (5), 6 youths accessed addiction roof via fire escape, 7 skateboarders, 2 mopeds, 1 self-harmer, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 13 incidents, which involved,

4 people using or attempting to take drugs, 2 rough sleepers moved on, police called (4), 8 youths throwing objects at glass stairwell glass, 10 youths smoking, swearing and shouting inside stairwell, 5 youths top level messing about, pressed lift help button, 4 youths being abusive throwing ones about, 4 youths on bikes pulling wheelies, shouting abuse threats to stab, 4 bikes on ground floor, 8 bikes on top level riding from top to bottom chased traffic in car park, 3 bikes one youth nearly hit by car (20 youths on bikes total), 9 skateboarders. Signs of drug use found and removed

February 2020

33 incidents – up to 22nd February

Central 8 incidents, Broadgate 18, Lucy tower 7.

February 2019

52 Incidents

Broadgate 22 incidents, which involved

48 people using or attempting to take drugs, 5 rough sleepers moved on, police called (45), 2 males caught on stairwell with trousers down, 3 males 1 female smoking drugs and eating breakfast verbally abusive, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved,

8 people using or attempting to take drugs, 12 youths on bike, 2 scooters, 7 joy riders (cars) 1 motorbike, 2 abuse to customers using car park (from drug users), 1 vulnerable adult, police called (3). 3 youths on bikes throwing objects off the top level, 2 needles found behind ticket machine number 9, signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 16 incidents, which involved,

37 youths riding bikes (up and down ramps, into oncoming traffic, up and down lifts), 5 skateboarders, 3 child scooters, 1 intoxicated male, Fire alarm set off, 2 teenage males and 1 female jumping off bannister, Teenage girl sliding down bannister 4th floor fell off landed 2nd floor, police called (3).

March 2020

30 Incidents.

Broadgate. 14 incidents which involved

19 people using or attempting to take drugs, 2 rough sleepers moved on, 6 males having a party drinking/drugs/loud music), police called (2). Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy Tower. 10 incidents which involved

1 rough sleeper moved on, 3 mopeds, 4 people using or attempting to use drugs, 3 youths on top level, 3 people playing football, signs of drug use found and removed, police called (1). 1 self-harmer.

Central car park. 6 incidents which involved

2 rough sleepers moved on, 8 people using or attempting to take drugs, 5 boy racers, 4 Youths on bikes, signs of drug usage.

March 2019

77 Incidents

Broadgate 33 incidents, which involved

79 people using or attempting to take drugs, 9 rough sleepers moved on, police called (5), 4 aggressive, 5 under the influence/intoxicated, 6 boy racers, 1 self-harmer, One man washing his feet, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 22 incidents, which involved,

12 people using or attempting to take drugs, one with a dog, 1 rough sleeper, 7 males on top level 4 jumped over to the Odeon roof, 2 males 1 female jumped over from the Odeon roof, 2 male and 2 female teenagers spitting on people from the top level, 4 teenagers running up and down the ramps, 15 cars and 1 motorbike boy racers, 7 youths on bikes, 2 skateboarders, police called 2. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 22 incidents, which involved, 12 people using or attempting to take drugs, 8 rough sleepers moved on, police called (4), 4 aggressive, 5 under the influence/intoxicated, 10 skateboards, 29 bikes including spitting at office window, abusive behaviour, riding in front of cars, riding against the flow of traffic up and down ramps, 3 child scooters, 3 male teenagers and 1 female teenager messing around level 4 parking spaces, 6 teenagers top level, signs of drug use.

April 2020

37 Incidents.

Broadgate. 10 incidents which involved

7 people using or attempting to take drugs, 3 rough sleepers moved on, Police called 1. Signs of drug use found and removed majority involved cleaning up excrement.

Lucy Tower. 21 incidents which involved

8 rough sleepers moved on (Majority one known individual), 14 people using or attempting to use drugs (majority one known individual), family of five (two adults and three children) riding bikes around the levels, 2 youths on bikes. Signs of drug use found and removed (human excrement on handrails and ground and second level), police called 1. 1 self-harmer.

Central car park. 6 incidents which involved

2 people using or attempting to take drugs, 6 Youths on bikes, 7 skateboarder's. One fox on level 4.

April 2019

45 Incidents

Broadgate 24 incidents, which involved

76 people using or attempting to take drugs, 5 rough sleepers moved on, police called (5), CEO came across 4 males, ground floor friar's lane 1 with his trousers down and his hand in a tub of Vaseline. 1 self-harmer, 2 acts of vandalism, significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 14 incidents, which involved,

11 people using or attempting to take drugs, 2 rough sleepers moved on, police called (3), 3 youths messing about top level Odeon side 3 youths climbing through safety netting on Odeon side police inform parents to pick them up. 3 youths on bikes, 2 self-harmers. Signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 7 incidents, which involved,
3 rough sleepers moved on, 9 youths on bikes, 5 skateboarders. 3 youths messing
about with the lifts.

May 2020

35 Incidents.

Broadgate. 2 incidents which involved
Signs of vagrancy. Signs of drug use.

Lucy Tower. 25 incidents which involved
7 rough sleepers moved on (Majority one known individual), 15 people using or
attempting to use drugs (majority one known individual), 11 youths on bikes, 3
skateboarders. Signs of drug use found and removed, cleaning up urine and
excrement. Police called 1.

Central car park. 8 Incidents which involved
3 rough sleepers, 3 Youths on bikes, 5 skateboarders. Clearing up excrement, 1
injury.

May 2019

53 Incidents

Broadgate 33 incidents, which involved
87 people using or attempting to take drugs, 9 rough sleepers moved on, police
called (6), 2 fire alarm activations (on the same day), 8 needles and large amount of
drug paraphernalia found on level 14. Significant signs of drug use found and
removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower. 13 incidents, which involved,
21 people using or attempting to take drugs, 5 rough sleepers moved on. Signs of
drug use found and removed Clearing up urine, excrement, blood, vomit and drug
paraphernalia.

Central 7 incidents, which involved,
6 bikes, 3 skateboards 2 rough sleepers moved on, one person under the influence
police called (1). 4 teenagers one claimed a car had tried to run him down

June 2020

3 incidents

July 2020 - up to 15th July

33 Incidents.

Broadgate. 4 incidents which involved

2 Signs of vagrancy. Signs of drug use.

Lucy Tower. 10 incidents which involved

1 rough sleeper moved on, 2 people using or attempting to use drugs, 2 youths on bikes, 7 youths causing antisocial behaviour (people throwing shopping trolley, 1 self-harmer. 2 cases of vandalism. Signs of drug use found and removed, cleaning up urine and excrement.

Central car park. 19 Incidents which involved

Rough sleeper moved on, 1 person attempting to use drugs, 1 intoxicated male, 34 youths on bikes (largest group of 10 who were abusive), 34 youth ASB (one incident reported throwing manholes). 1 self-harmer, Police 101 (2).

July 2019

42 Incidents

Broadgate 21 incidents which involved

54 people using or attempting to take drugs, 16 rough sleepers moved on, 7 individuals intoxicated police called (3), 1 ambulance called. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Lucy tower 16 incidents, which involved,

6 people using drugs, 11 rough sleepers moved on, 2 under the influence and aggressive, 1 ambulance called, police called (4),, 5 youths on bikes and 3 on mopeds. Significant signs of drug use found and removed Clearing up urine, excrement, blood, vomit and drug paraphernalia.

Central 5 incidents, which involved,

2 rough sleepers moved on, 7 teenagers moved on, 4 aggressive behaviour, and 1 bike riding around car park.

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Equality with Human Rights Analysis Toolkit



The Equality Act 2010 and Human Rights Act 1998 require us to consider the impact of our policies and practices in respect of equality and human rights.

We should consider potential impact before any decisions are made or policies or practices are implemented. This analysis toolkit provides the template to ensure you consider all aspects and have a written record that you have done this.

If you need any guidance or assistance completing your Equality and Human Rights Analysis contact:

Heather Grover, Principal Policy Officer on (87)3326; email: heather.grover@lincoln.gov.uk . Alternatively contact Legal Services on (87)3840

A diagram of the process you should follow is on page 2, and glossary and guidance to help you complete the toolkit can be found on pages 6-9.

Even after your policy, project or service has been implemented; it is recommended that analysis is undertaken every three years, and that this analysis is updated at any significant points in between. The purpose of any update is that the actual effects will only be known after the implementation of your policy, project or service. Additionally, area demographics could change, leading to different needs, alternative provision can become available, or new options to reduce an adverse effect could become apparent.

Useful questions to consider when completing this toolkit

1. What is the current situation?
2. What are the drivers for change?
3. What difference will the proposal make?
4. What are the assumptions about the benefits?
5. How are you testing your assumptions about the benefits?
6. What are the assumptions about any adverse impacts?
7. How are you testing your assumptions about adverse impacts?
8. Who are the stakeholders and how will they be affected?
9. How are you assessing the risks and minimising the adverse impacts?
10. What changes will the Council need to make as a result of introducing this policy / project / service / change?
11. How will you undertake evaluation once the changes have been implemented?

STEP BY STEP GUIDE TO EQUALITY ANALYSIS

STEP
1

STEP
2

STEP
3



STEP
6

STEP
5

STEP 4



SECTION A

Name of policy / project / service	TO INTRODUCE A PUBLIC SPACE PROTECTION ORDER TO PREVENT ANTI-SOCIAL BEHAVIOUR AT LUCY TOWER MULTI-STOREY CARPARK, BROADGATE MUTI-STOREY CARPARK AND LINCOLN CENTRAL MULTI-STOREY CARPARK.
Background and aims of policy / project / service at outset	To reduce incidents of ASB within our multi-storey car parks
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Francesca Bell – Public Protection, ASB and Licensing Service Manager
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Director communities and environment, Policy scrutiny committee, Intervention Team, PPASB team and Police

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	x			May make vulnerable carparks customers feel safer	N/A	
Disability including carers (see Glossary)	x			May make vulnerable carparks customers feel safer	N/A	
Gender re-assignment			X		N/A	
Pregnancy and maternity	x			May make expectant mothers feel safer	N/A	
Race			x		N/A	
Religion or belief			X		N/A	
Sex			X	It should be noted that offenders are more likely to be male. However action will only be taken where anti-social behaviour has been clearly demonstrated irrespective of gender and therefore it is highly unlikely indirect discrimination would occur and action will apply to an individual rather than a group	N/A	
Sexual orientation			X		N/A	
Marriage/civil partnership			X		N/A	
Human Rights (see page 8)			x	The council's enforcement policy will be followed	N/A	

**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 ☐ [Y]
- **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 ☐ []

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Conclusion of Equality Analysis (describe objective justification for continuing)	This does not disproportionately affect any protected group
--	---

When and how will you review and measure the impact after implementation?*	The PSPO will be reviewed at least every 3 years
--	--

Checked and approved by responsible officer(s) (Sign and Print Name)		Date	
Checked and approved by Assistant Director (Sign and Print Name)	 Simon Colburn	Date	4/8/20

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/

City of Lincoln Council Equality and Human Rights Analysis Toolkit: Glossary of Terms

Adult at Risk - an adult at risk is a person aged 18 years or over who is or may be in need of community care services by reason of mental health, age or illness, and who is or may be unable to take care of themselves, or protect themselves against significant harm or exploitation.

Adverse Impact. Identified where the Council's operations has a less favourable effect on one or more groups covered by the Equality Act 2010 than it has on other groups (or a section of a group)

Carer - see also disability by association. A carer is a person who is unpaid and looks after or supports someone else who needs help with their day-to-day life, because of their age, long-term illness, disability, mental health problems, substance misuse

Disability by association. Non disabled people are also protected from discrimination by association to a disabled person. This might be a friend, partner, colleague or relative. This applies to carers who have a caring responsibility to a disabled person.

Differential Impact. Identified where a policy or practice affects a given group or groups in a different way to other groups. Unlike adverse impact, differential impact can be positive or negative.

Disability. It is defined under the Equality Act 2010 as 'having a physical or mental impairment which has a substantial and adverse long term effect on a person's ability to carry out normal day to day activities'.

Physical impairment is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.

Mental impairment is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression

Diversity. Diversity is about respecting and valuing the differences between people. It is also recognising and understanding the mix of people and communities who use services and their different needs.

Discrimination. Discrimination has been defined as 'the unequal treatment of individuals or groups based on less because of a protected characteristic – see protected characteristic. This includes discrimination by association, perception, direct and indirect discrimination.

Example of discrimination: An employer does not offer a training opportunity to an older member of staff because they assume that they would not be interested, and the opportunity is given to a younger worker

Equality. The right of different groups of people to have a similar social position and receive the same treatment:

Equality Analysis. This is a detailed and systematic analysis of how a policy, practice, procedure or service potentially or actually has differential impact on people of different Protected Characteristics

Equality Objectives. There are specific strategic objectives in the area of equalities and should set out what services are seeking to achieve in each area of service in terms of Equality.

Equality of Opportunity. Equality of opportunity or equality opportunities may be defined as ensuring that everyone is entitled to freedom from discrimination. There are two main types of equality encompassed in equal opportunities:

1. Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.

2. Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups.

Evidence. Information or data that shows proof of the impact or non impact - evidence may include consultations, documented discussions, complaints, surveys, usage data, and customer and employee feedback.

Foster good relations. This is explicitly linked to tackling prejudice and promoting understanding.

General Equality Duty. The public sector equality duty on a public authority when carrying out its functions to have 'due regard' to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Gender reassignment. The process of changing or transitioning from one gender to another – for example male to trans-female or female.

Harassment. This is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Human Rights – Human rights are the basic rights and freedoms that belong to every person in the world - **see below**

Marriage and Civil Partnership. Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. Single people are not protected. Discrimination on grounds of marriage or civil partnership is prohibited under the Act. The prohibition applies only in relation to employment and not the provision of goods and services.

Pregnancy and Maternity. Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Protected Characteristics. These are the grounds upon which discrimination is unlawful. The characteristics are:

- | | | |
|-----------------------|--|----------------------------------|
| • Age | • Race | • Marriage and civil partnership |
| • Disability | • Religion and belief (including lack of belief) | • Pregnancy and maternity |
| • Gender reassignment | • Sex/gender | • Sexual orientation |

Public functions. These are any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy making or local authority services.

Race. This refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion or belief. Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Section 11 of the Children Act. This duty is a duty under the Children Act 2004 that requires all agencies with responsibilities towards children to discharge their functions with regard to the need to safeguard and promote the welfare of children. They must also ensure that any body providing services on their behalf must do the same. The purpose of this duty is that agencies give appropriate priority to safeguarding children and share concerns at an early stage to encourage preventative action.

Sex. It refers to whether a person is a man or a woman (of any age).

Sexual Orientation. A person's sexual attraction is towards their own sex; the opposite sex; or to both sexes: *Lesbian, Gay or Bisexual*

Victimisation. Victimisation takes place where one person treats another less favourably because he or she has exercised their legal rights in line with the Equality Act 2010 or helped someone else to do so.

Vulnerable Adult. A Vulnerable Adult is defined as someone over 16 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation'

Human Rights

Human rights are the basic rights and freedoms that belong to every person in the world. They help you to flourish and fulfill your potential through:

- being safe and protected from harm
- being treated fairly and with dignity
- living the life you choose
- taking an active part in your community and wider society.

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The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these these rights and freedoms
- Right to peaceful enjoyment of your property

- Right to education
- Right to participate in free elections

Many every day decisions taken in the workplace have no human rights implications. However, by understanding human rights properly you are more likely to know when human rights are relevant and when they are not. This should help you make decisions more confidently, and ensure that your decisions are sound and fair.

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POLICY SCRUTINY COMMITTEE

18 AUGUST 2020

SUBJECT:	POLICY SCRUTINY WORK PROGRAMME 2020/21 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 2020/21 and receive comments and considerations from members with items for the municipal year 2020/2021 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 2020/21 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 2020/21

16 June 2020

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Cancelled		

18 August 2020

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Lincoln Social Responsibility Charter	Graham Rose	
Review of the Trusted Landlord Scheme	Lindsey Morris	
Public Spaces Protection Order (PSPO) on our multi storey car parks	Francesca Bell	
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

6 October 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	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

24 November 2020

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

12 January 2021

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Protecting Vulnerable People Update	Paula Burton	Annual Report
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

16 March 2021

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

EXECUTIVE WORK PROGRAMME

August 2020 - July 2021

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
26 August 2020	Strategic Risk Register Quarter 1	To receive the Strategic Risk Register Quarter 1	Executive	No	Partly Private
26 August 2020	SUPPORT FOR LINCOLN ARTS TRUST LTD	Determine the future of the Service Level Agreement with LATL in relation to the operation of the Drill Hall	Executive	Yes	Private
21 September 2020	New Build Housing update	Submission of the planning application for the Rookery Lane housing scheme. Allocation of finances for delivery of the Rookery Lane Scheme	Executive	Yes	Public
21 September 2020	Draft Housing Strategy 2020-25	To consider the draft housing strategy prior to full consultation.	Executive	Yes	Public
21 September 2020	Financial Performance Report - Quarterly Monitoring	To note the financial position on the Council's revenue and capital programmes as at quarter 1 20/21 To approve revisions to the revenue and capital budgets as required to maintain a balanced budget.	Executive	Yes	Public
26 October 2020	Town Deal and Lincoln Town Investment Plan	Presentation of draft Town Investment Plan for Lincoln for review and approval prior to final approval by the Lincoln Town Deal Board and submission to government scheduled for October 2020. Approval of project proposals to form part of this plan, which will be subject to further development and due	Executive	Yes	Public

		<p>diligence following approval of the Town Investment Plan and Heads of Terms.</p> <p>Approval of accelerated project proposal for delivery in the current financial year.</p>			
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