



POLICY SCRUTINY COMMITTEE

Tuesday, 15 March 2022

6.00 pm

**Committee Rooms 1-2, City
Hall**

Membership: Councillors Bill Bilton (Chair), Calum Watt (Vice-Chair),
Liz Bushell, Jane Loffhagen, Bill Mara, Mark Storer and
Pat Vaughan

Substitute member(s): Councillors Gary Hewson

Officers attending: Simon Colburn, Democratic Services and Legal Services

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 15 February 2022	3 - 12
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.	
3. Contaminated Land Inspection Strategy	13 - 36
4. Scrutiny Annual Report	37 - 48
5. Health Scrutiny Update	Verbal Report
6. Policy Scrutiny Work Programme 2022-23 and Executive Work Programme Update	49 - 56

This page is intentionally blank.

Present: Councillor Bill Bilton (*in the Chair*),
Councillor Calum Watt, Councillor Liz Bushell, Councillor
Jane Loffhagen, Councillor Bill Mara and Councillor
Mark Storer

Apologies for Absence: Councillor Pat Vaughan

27. Confirmation of Minutes - 23 November 2021

RESOLVED that the minutes of the meeting held on 23 November 2021 be confirmed and signed by the Chair.

28. Declarations of Interest

No declarations of interest were received.

29. Vision 2025 Mid-Term Review Delivery Plan

Councillor Ric Metcalfe, Leader of the Council:

- a. presented the draft core delivery plan for the final three years of Vision 2025 for comments prior to referral to Executive
- b. advised that Vision 2025 was approved in February 2020, but due to the onset of the Covid-19 pandemic was never officially launched and in some areas of activity, progress on the initial plans had been affected
- c. explained that a mid-term review on the proposals of the original version was undertaken. As part of the work, the effect of Covid-19 on the health of residents had been considered – and as a result a new focus on physical and mental health developed for the way forward
- d. referred to the Three Year Delivery Plan attached at Appendix A of the report and explained that it should be considered as an addendum to Vision 2025 as there were no changes to the core priorities, aspirations or values identified in that document
- e. explained that 2021 had seen most services recover to a ‘new’ normal, this was not necessarily the same as pre-covid, the issues faced by the Council were listed at paragraph 3.2 of the report
- f. advised that it should be recognised that although the pandemic did significantly affect the Councils ability to progress in all aspects of Vision 2025 – this did not mean that there had been no progress. The projects that had been progressed were detailed at paragraph 3.4 of the report
- g. explained the development of the Mid-term Vision 2025 review as detailed at paragraph 4 of the report
- h. referred to the Vision 2025 Mid-Term review at Appendix A of the report and explained that it contained a range of projects spread across the five priorities and 25 aspirations, however, this was a three-year plan and thus

there were minimal dates, specific dates given at project level, so that workload could be spread to match available resource and as well as meet customer priorities

- i. advised that consultation with the public, businesses and the voluntary sector had started in 18th January 2022 and would be completed on 10 February 2022, the results would be circulated to the committee following the meeting
- j. invited members questions and comments

Councillor Mara referred to the priority “ Let’s make walking, cycling and the use of public transport the best and favourite way to move around Lincoln” and commented that complaints regarding public transport were regularly received by Councillors. He asked how the service would be improved to encourage people to use it.

Councillor Ric Metcalfe, Leader of the Council acknowledged that Public transport was an issue in the City and it needed to be addressed to encourage people to use it. Some example of work being undertaken in the City was provided such as initiatives run by Visit Lincoln and the focussing on the shift to modal transport by the Lincolnshire Transport Strategy Group. He further acknowledged that public transport was commercial and was driven by profit. He explained that there was some public subsidy available for example routes to the hospital, but the subsidy could not be used for more general routes. He stressed that this was a priority and overall work would be done alongside partners in the future.

RESOLVED that the Vision 2025 Mid- Term Review Delivery Plan be supported and referred to Executive for approval.

30. Draft Affordable Warmth Strategy

Kate Bell, Climate Change Manager:

- a. presented the Draft Affordable Warmth Strategy for comment prior to referral to Executive.
- b. gave the background to affordable warmth and explained the work that had been undertaken in this area as detailed at paragraph 2 of the report
- c. explained that the new and updated Affordable Warmth Strategy for Lincoln was necessary following the recent changes in national, regional and local policies to address fuel poverty
- d. advised that the draft Affordable Warmth Strategy brought together the success of the partnership approach to ensure that all sectors were working together to tackle fuel poverty effectively.
- e. Explained that the strategy reflected the objective of the Council’s Housing Strategy 2021 – 2026 to improve housing standards for all and contributed to the Council’s ongoing work to achieve a net zero carbon target by 2030
- f. highlighted the key objectives of the Lincoln Affordable Warmth Strategy 2021 – 2026 as detailed at paragraph 3.3 of the report

g. explained that the Strategy set out the following priorities to deliver affordable warmth over the next 5 years:-

- Raise Awareness of Affordable Warmth.
- Improving the Energy Efficiency of All Housing in Lincoln.
- Deliver a Co-ordinated approach to Affordable Warmth.

h. referred to The Affordable Warmth Strategy at Appendix 1 of the report and explained that it set out what the City of Lincoln Council would do to help lift residents out of fuel poverty and overcome the health effects of cold, damp, draughty living conditions. It also explained what action the Council would take to improve collaboration and co-ordination among the wide variety of organisations that were working to tackle fuel poverty.

i. invited committees questions and comments:

Question: Asked how many people would be in fuel poverty with the rise in fuel costs.

Response: We did not know how many people would be affected. The 2020 figures would be available in April and would give an indication.

Question: Asked for clarification on the funding that was available.

Response: We were allocated a small amount of government funding and so applied directly to Beis and received further funding, every opportunity to secure funding had been maximised. We were currently working with North Kesteven and West Lindsey District Councils to consider opportunities to jointly manage the scheme across central Lincolnshire. All of the money had been spent for this financial year and there was a waiting list for the new scheme in April.

Question: Referred to paragraph 2.8 of the report and asked if there was an update on the retrofitting of 40 energy efficient homes in Lincoln.

Response: All properties had been allocated funding, they had been surveyed and an installation date had been set.

RESOLVED that the draft Affordable Warmth Strategy be supported referred to Executive for approval.

31. Lincoln Tenants' Panel Constitution

Andrew McNeil, Assistant Director, Housing Strategy:

- a. presented the proposed amendments to Lincoln Tenants' Panel (LTP) Constitution for comments prior to referral to Executive
- b. advised that the LTP Constitution set out how the Lincoln Tenants' Panel was to operate and explained that the Constitution was reviewed on an annual basis
- c. summarised the main proposed changes to the LTP Constitution as detailed at paragraph 3 of the report
- d. invited committees questions and comments

Question: Asked who would be involved in the selection process of members onto the Lincoln Tenant Panel.

Response: The selection process had not been formalised yet, it would likely be members of the LTP and Officers, but this would be checked and reported back to Policy Scrutiny Committee.

Question: Asked when the LTP Constitution would be implemented.

Response: The draft LTP Constitution had been considered by the LTP Panel and would be implemented once it was agreed by Executive.

Question: Expressed concern that the panel may become a self-selecting committee and asked if any objections had been received.

Response: No objections in relation to this had been received.

Comment: Referred to the proposal to change seats on the LTP being based on geographical areas and expressed concern that the whole of the City may not be represented.

Response: The proposal was that LTP members covered all Council housing areas in the City and would be expected to attend events in all areas. There had been issues previously where the LTP had focussed on a specific area and not the whole City.

Question: Asked why there had been a focus on one area of the City.

Response: It had been difficult to achieve a representative from all areas of the City on the panel.

Question: Asked how a broad representative from across the City would be ensured.

Response: Part of the selection process would be to ensure that there was a balanced representation on the panel.

Comment: Expressed concern that the proposed move to a more strategic approach was a significant downgrading of how tenants could have a say in how their estates were run.

Response: The panel was not an elective body. Previously there had been difficulties in getting a representative on the panel from all areas of the City. The drive for the proposal came from the LTP and it was felt that this would help to get people on the panel and cover all areas of the City.

Question: Asked if the revised constitution had been consulted on with all tenants.

Response: This would need to be checked and reported back to committee.

Comment: Expressed concern that the democratic voice was being down graded and suggested that a full consultation with tenants take place before the proposal could be referred to Executive.

Comment: Expressed concern regarding the shift from an election process to officers selecting members of the panel and suggested that checks and balances needed to be put in place to ensure that tenants were represented and that the panel was not run by the landlord.

Response: This was not the Councils intention and agreed that there needed to be checks and balances in place, this would be considered.

Comment: There needed to be some amendments to the revised constitution to make it more transparent. There needed to be a more proactive approach to recruiting members from across the City. Expressed concern that without this in place there could be a click of people on the panel from one area of the City.

Question: Asked how would the Chair and Vice Chair of the panel be selected.

Response: It was proposed that an independent person would select the most appropriate candidate against a specific criteria.

Comment: The Chair and Vice Chair should be elected by the tenant body as a whole.

Response: The proposal was that the tenants panel had a say as to who was elected and would be assisted by Officers.

Comment: Suggested that the proposal be referred back to the LTP for further consultation with tenants.

Response: Clarified that currently members were elected from the area committee/body and were not elected from an open election for all tenants in the City.

The committee requested that the comments raised during the discussion be considered and that the proposal be referred back to LTP for further consultation with the area committees and also an electronic consultation with tenants.

RESOLVED that the Lincoln Tenants Panel Constitution be deferred for further consultation and be brought back to Policy Scrutiny Committee in June 2022.

32. **Revised Tenant Involvement Strategy 2022 to 2025**

Andrew McNeil, Assistant Director, Housing Strategy:

- a. presented the revised Tenant Involvement Strategy 2022 to 2025 which replaced the 2018 to 2021 Strategy for comments prior to referral to Executive
- b. advised that the regulatory Framework for social housing and the social housing white paper required social housing landlords to have a transparent Tenant Involvement Strategy in place.
- c. referred to paragraph 3 of the report and highlighted the achievements to improve the tenant involvement service
- d. highlighted the objectives for the Tenant Involvement Strategy:
 - Co-design services with residents
 - Facilitate community engagement
 - Communicate key messages to residents
 - Co-regulate with Lincoln Tenants' Panel
 - Expand the ways residents can get involved.
- e. referred to paragraph 5 of the report and explained how the action plan would be delivered and how the outcomes of the Strategy would be monitored

The committee considered the contents of the report.

RESOLVED that the revised Tenant Involvement Strategy 2022 to 2025 be supported and referred to Executive for approval.

33. Exclusion of Press and Public

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

34. ICT Security Policies

Matt Smith, Business Development and IT Manager:

- a. presented the ICT Security Policies for comment prior to referral to Executive
- b. explained that the Council was required to have an up-to-date set of ICT Security Policies for a number of reasons:
 - I. Good Practice
 - II. Compliance with external accreditations e.g., Public Services Network (PSN)
 - III. Ability to work with other organisations
- c. referred to Appendices A-E which set out the following 5 main elements:
 - i. ICT Security Policy
 - ii. ICT Security Standard
 - iii. ICT User Security Standard
 - iv. Access Control Standard
 - v. Development and Acquisition Standard
- d. acknowledged that the ICT Security risk could not be completely eliminated due to the nature of the subject matter, however, these risks were reviewed and monitored regularly and reporting mechanisms were in place across the public sector to which the Authority subscribed
- e. invited committees questions and comments

The committee discussed members IT and the difficulties with the tablets that Councillors had been issued. Matt Smith, Business Development and IT Manager responded that these issues could be addressed if members contact the IT Helpdesk. He referred to the members IT policy and suggested that it may need to be renewed.

RESOLVED that the ICT Security Policies be supported and referred to Executive for approval.

35. Inclusion of Press and Public

RESOLVED that the press and public be included back into the meeting.

36. Corporate Document Review

Becky Scott, Legal Services Manager:

- a. presented a report to provide an overview of corporate documents which had been approved by Full Council and Executive.
- b. advised that Policy Scrutiny Committee was, under its terms of reference, tasked with ensuring that the Council's policies met the 'needs and aspirations' of the citizens of Lincoln.
- c. explained that a project commenced pre-pandemic to consider what corporate documents the Council had approved so that Policy Scrutiny Committee could review the position and ensure that they were both relevant and up to date, and to identify any gaps which may be evident.
- d. referred to Appendix A of the report and highlighted the list of documents which had been compiled with the assistance of senior managers.
- e. invited Members to review of the list of documents, and provide comments accordingly.

Member asked for clarification on how this would change the current work of the committee. Becky Scott, Legal Services Manager responded that the policy review's would contain more data, to enable to committee to look back at how well things have worked with the Policy. It provided a mechanism for the Council to review itself and also it was important to identify how often a policy needed to be reviewed.

RESOLVED that the report be noted.

37. Regulation of Investigatory Powers Act 2000 (RIPA) Update

Becky Scott, Legal Services Manager:

- a. presented the number of authorisations under RIPA (Regulation of Investigatory Powers Act 2000) since the last report and requested comments on the revised Policy
- b. gave the background to the report as detailed at paragraph 2.1 and advised that the RIPA Policy covered implications for all staff how investigated suspected criminal offences and other breaches of regulation for which the Council was responsible
- c. highlighted the changes to the policy as shown at Appendix A of the report.
- d. explained that the Legal Team most commonly offered support to service areas as and when they were investigating issues which could benefit from using social media, as opposed to advising on seeking formal authorisations to carry out surveillance
- e. advised that the policy would be taken to Service Managers forum and rolled out on Netconsent for relevant enforcement teams and an offer would be made to give tailored training by Legal Services as required

- f. reported that there had been no authorisation applied for nor obtained through the magistrates court to carry out any covert surveillance since the last report to Executive, when there was also none.
- g. invited members questions and comments

Members asked if this Policy would have an effect on the cameras for fly tipping. Becky Scott, Legal Services Manager responded that this policy would not apply as the cameras were used for open surveillance.

RESOLVED that the Regulation of Investigatory Powers Act 2000 Policy be noted.

38. Health Scrutiny Update

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meetings held on 15 December 2021 and 19 January 2022, these were:

- Lincolnshire Acute Services Review – Orthopaedic Surgery
- Lincolnshire Acute Services Review – Medical Beds at Grantham and District Hospital
- Humber Acute Services Programme - Update
- Lincolnshire Acute Services Review – Finalisation of the Committees Response

RESOLVED that the report be noted.

39. Policy Scrutiny Work Programme 2021-22 and Executive Work Programme Update

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 2021-22 and Executive Work Programme Update'
- b. presented the Executive Work Programme February 2022 – February 2023
- 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 asked if the Recycling- paper and card collections proposal would be brought to Policy Scrutiny.

The Democratic Services Officer confirmed that this would be presented to Policy Scrutiny Committee, it was provisionally scheduled into the work programme for June 2022 but this was subject to change.

RESOLVED that:

- 1. the work Policy Scrutiny work programme be noted.

2. the Executive work programme be noted.

This page is intentionally blank.

SUBJECT:	CONTAMINATED LAND INSPECTION STRATEGY
DIRECTORATE:	DIRECTORATE OF COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	SIMON COLBURN ASSISTANT DIRECTOR HEALTH AND ENVIRONMENT

1. Purpose of Report

1.1 To obtain approval of the revised Contaminated Land Inspection Strategy

2. Executive Summary

2.1 This is the Council's refreshed Inspection Strategy and has been written to reflect the latest Statutory Guidance and other changes to the regime.

2.2 The council has a statutory duty under Part 2A of the Environmental Protection Act 1990 to deal with land contamination and to have an inspection strategy setting out our approach.

2.3 The Department for Environment, Food and Rural Affairs used to provide a national grant scheme to fund local authorities carrying out proactive inspections under part 2A, in the rare circumstances that no other person could be found to carry out that work (e.g. the polluter, landowner or developer). Since that scheme has stopped costs would fall to the council.

2.4 The refreshed strategy reflects our current operational approach to focus on managing contaminated land through the planning and building control regimes and encouraging voluntary remediation by landowners rather than proactive part 2A inspections.

3. Background

3.1 This is the Council's third Inspection Strategy and has been written to reflect the latest Statutory Guidance and other changes to the regime.

3.2 Section 78B(1) of Part 2A of the Environmental Protection Act 1990 (EPA 1990) places a duty on local authorities to inspect their areas to identify contaminated land and gives us regulatory powers to deliver against that duty.

3.3 Contaminated Land Statutory Guidance produced by the Department for Environment, Food and Rural Affairs sets out how local authorities should meet these duties, including the need to have a written strategy setting out their strategic

approach. This Contaminated Land Inspection Strategy is the City of Lincoln Council's written strategy.

- 3.4 The strategy provides a brief overview of the contaminated land regime including its aims and objectives.
- 3.5 Any Part 2A inspection undertaken by the Council must be at the council's expense and by its very nature can consist of numerous phases and involve the engagement of environmental consultants.
- 3.6 Where contaminated land assessments conclude that there are unacceptable risks, as per Statutory Guidance, the Council must ensure these are addressed which will usually require some form of remedial works. For example digging out contaminated ground and sending to landfill, encapsulating the ground or cleaning the soil in situ.
- 3.7 Where no responsible party can be identified (e.g. landowner, developer, polluter), the cost may fall to the Council. Such costs can reach hundreds of thousands of pounds and upwards.
- 3.8 The Contaminated Land Capital Grants programme from central Government was previously available to local authorities to bid for funds to carry out such investigations and remediation work. This funding programme was withdrawn in 2013 and has subsequently not been replaced with an alternative, leaving many authorities unable to fund such inspections.
- 3.9 To date the Council has carried out one inspection under Part 2A of the EPA 1990 which resulted in the statutory determination of 36 residential properties as Contaminated Land. The details of which are present on the Council's public register of contaminated land, as required by the legislation. This was funded partly by a Contaminated Land Capital Grant and subsequently the clean-up was funded by the developer.
- 3.10 While Part 2A gives us powers to proactively deal with contaminated land the vast majority of contaminated land is assessed and dealt with through the planning system particularly in Lincoln as land is reused over the decades.

4. Main policy change

- 4.1 This refreshed Inspection Strategy contains updates based on amended national guidance, the updated Local Planning Policy Framework and, following the ending of the national Contaminated Land Capital Grants Programme, DEFRA's decision not to introduce a replacement scheme.
- 4.2 The Inspection Strategy is therefore proposing to change the approach from undertaking proactive inspection of sites where contamination may be present due to previous uses, to utilising the existing assessment of sites within the Development Control process to manage the Council's duties under Part 2A. It should be noted that proactive part 2A work has always been very infrequent.
- 4.3 The Environmental Protection team within Environmental Health are a consultee within the planning process. The National Planning Policy Framework (NPPF)

requires consideration of potential contamination as part of the planning process to ensure a site is suitable for its proposed use and, after remediation (where required), the land is not capable of being determined as Contaminated Land under Part 2A.

- 4.4 Through this process the Council reviews the previous use of a site from the information submitted by the applicant as well as Council records and decides whether further investigation is required. The Scientific Officer (Contaminated Land) reviews reports submitted, agrees remediation measures where required and agrees validation reports demonstrating that concerns have been addressed.
- 4.5 Many planning application sites have had some previous use and therefore may appear on the Council's list of 'Sites of Potential Concern' (SPC). Ensuring these sites are addressed through the planning process as required by the NPPF also provides the Council with information on these SPC sites. The high number of planning applications received each year allows a much greater number of sites to be addressed than could be under the Part 2A regime.
- 4.6 The revised Statutory Guidance (2012) places an emphasis on this approach stating that the use of Part 2A should only be where 'no appropriate alternative solution exists' and points out that land contamination could be addressed through the planning and building control processes as well as voluntary action by landowners. We continue to provide advice and guidance to landowners wishing to proactively deal with their land.
- 4.7 One of the overarching objectives of Government's policy on the Part 2A regime includes 'to ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.'
- 4.8 The Council will continue to use the favoured mechanisms detailed in the Statutory Guidance to ensure that historical contamination is appropriately dealt with whilst ensuring unnecessary burdens are not placed on the taxpayer.
- 4.9 The Council would still need to, and will, act in any cases where there was evidence of an immediate or likely case of harm occurring from land contamination as this would not be dealt with by other regimes.

5. Strategic Priorities

How the council manages land affected by contamination has a role to play in most of our strategic objectives from attracting investment by bringing brownfield land back into beneficial use, helping to make people safe in their homes and communities, ensuring land is suitable for new housing and enhancing our natural environment.

5.1 Let's drive inclusive economic growth

Addressing land contamination and bringing brownfield land into use for beneficial purposes often has a beneficial impact on economic growth.

5.2 Let's reduce all kinds of inequality

Our residents, visitors and businesses should be able to live, work and play in areas where there is not an unacceptable risk from the land.

5.3 **Let's deliver quality housing**

Ensuring houses are fit to live includes ensuring there is no unacceptable risk to the occupiers from the land it is built on.

5.4 **Let's enhance our remarkable place**

Contaminated land can pollute watercourses and cause harm to human health and ecosystems. The contaminated land function is primarily monitored under this priority.

6. **Organisational Impacts**

6.1 **Finance (including whole life costs where applicable)**

There are no direct financial implications arising from the policy or the report. The legislation already provides that in certain exceptional circumstances a situation might occur where the responsibility for investigating or remediating a site could fall to the city council.

6.2 **Land, Property and Accommodation**

The city council has the same duties under the act as any other landowner or developer. The Scientific Officer (Contaminated Land) has always and continues to liaise with other teams to ensure the council actively discharges their contaminated land duties under the Act.

7. **Risk Implications**

7.1 **(i) Options Explored**

1) Not have or do not refresh the Contaminated Land Inspection Strategy -

We are required to have a contaminated land inspection strategy or similar document.

2) Identify a budget for progressing proactive Part 2A inspections -

Identify and tying up a large budget to replace the Contaminated Land Capital Grants Programme is not a financially prudent or efficient way to deliver our duties. Experience has shown that utilising the planning and building control processes and supporting landowners or developers is a much more effective way of delivering our duties and protecting the environment.

7.2 **(ii) Key risks associated with the preferred approach**

1) That the council may be liable, under exceptional circumstances, to fund the investigation and remediation of a piece of contaminated land. This is however a statutory duty and has existed for many years

2) That not undertaking proactive Part 2A inspections may result in areas of land causing harm or pollution and these are not identified or addressed. However the risk from this is very small. The current contaminated land regulations have been in place for over 20 years, and throughout that time we have employed a specialist contaminated land officer and we believe that we therefore have a good understanding of the issues across the city. In addition many new contaminated land issues arise due to changing the way the land is used – which is tackled through the building control or planning processes. We will continue to respond to emergency situations or cases where there is evidence that pollution is or may be occurring.

8. Recommendation

8.1 Policy Scrutiny Committee are asked to review and make comments on the refreshed Contaminated Land Inspection Strategy and refer the report to 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?

One
Appendix A – Contaminated Land Inspection Strategy

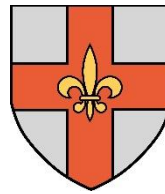
List of Background Papers:

None

Lead Officer:

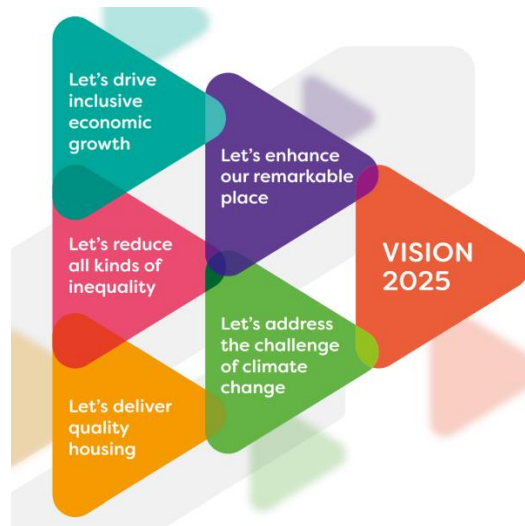
Simon Colburn
Assistant Director – Health and Environment
Telephone (01522) 873241
Email address: simon.colburn@lincoln.gov.uk

This page is intentionally blank.



CITY OF
Lincoln
COUNCIL

Contaminated Land Inspection Strategy 2022-2027



LOCAL AUTHORITY INFORMATION AND CONTROL SHEET

Document Status and Approval Schedule

Organisation	City of Lincoln Council – Directorate of Communities and Environment
Title	Contaminated Land Inspection Strategy
Author – name and title	Jonathan English – Scientific Officer (Contaminated Land)
Owner – name and title	Sara Boothright – Environmental Health and Corporate Health and Safety Manager
Date	March 2022
Approvals	Simon Colburn – Assistant Director (Health and Environment)
Filename	
Version	8.0 DRAFT
Next review date	January 2027 (or sooner if the legislation significantly changes)

This document supersedes all previous Contaminated Land Inspection Strategy reports of the City of Lincoln Council

Executive Summary

The industrial history of our country has left a legacy of land where there is a potential for contamination to exist. This contamination may pose a risk to human health and/or the environment.

Part 2A of the Environmental Protection Act 1990 places a duty on local authorities to address these possible risks through the contaminated land regime. However enforcement under this legislation should be used when there is no other appropriate alternative and other mechanisms used in preference where possible. These include the development control and building control processes as well as voluntary action taken by landowners which helps to minimise the unnecessary burdens placed on taxpayers, businesses and individuals.

This strategy is a requirement under the contaminated land regime, as set out in Statutory Guidance, for local authorities who are the primary regulator. Strategies are to be reviewed at least every 5 years and therefore this document will be reviewed in 2027 unless there are any significant changes to the regime before this time.

Due to the withdrawal of the funding system from central Government for contaminated land work, the Council will now focus on addressing sites where contamination may exist predominantly through the development control process.

This document details further how this is already achieved and how we continue to work to drive standards and improve consistency in regulation across the region and further afield.

Contents

Executive Summary	(i)
1. Introduction.....	1
2. Aims & Objectives	3
3. Characteristics of Lincoln	4
4. Strategic Inspection & Prioritisation	6
5. Detailed Inspection	7
6. Broader Approach	8
Glossary	11
References.....	13

1. Introduction

The legal definition of contaminated land is set out in Section 78A(2) of Part 2A of the Environmental Protection Act 1990 (EPA 1990)^[1]:

‘any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –

- (a) Significant harm is being caused or there is a significant possibility of such harm being caused; or*
- (b) Significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused;’*

In relation to radioactivity, as per Regulation 5(1) of The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006^[2]:

‘any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –

- (a) harm is being caused, or*
- (b) there is the significant possibility of such harm being caused;’*

[Part 2A of the Environmental Protection Act 1990 \(EPA 1990\)](#) and [Contaminated Land \(England\) Regulations 2006](#)^[3] and subsequent amendments, detail the specifics of the contaminated land regime. [Statutory Guidance](#)^[4] is issued by the Department for Environment, Food and Rural Affairs (Defra) which provides more detail on the regime and the duties of local authorities. Separate regulations and statutory guidance exist to cover radioactive contaminated land.

The Statutory Guidance sets out the responsibilities of local authorities who are the primary regulators for contaminated land. One of which is to set out the authority’s approach to carrying out its duties under Part 2A of the EPA 1990, in a written strategy, which should be periodically reviewed at least every five years. The City of Lincoln’s Inspection Strategy has been updated in line with these documents and supersedes any previously issued.

The latest Statutory Guidance for non-radioactive Contaminated Land was issued in April 2012 and [Statutory Guidance for Radioactive Contaminated Land](#)^[5] was issued in June 2018.

It is important to note that Part 2A should only be used where no other appropriate solution exists. Other regimes which can be used to address potential contamination of land are discussed later in this document.

The term 'contaminated land' is sometimes used when referring to land which could be affected by contamination but has not been investigated to confirm or deny its presence or land which might have been investigated but levels of contamination are not sufficient to meet the statutory definition. The Council uses the term 'contaminated land' to mean any land which has been statutorily identified as contaminated land. Land where contamination might be present, as a result of a previous use of the land or from spills or leaks of chemicals for example, is referred to as 'land possibly affected by contamination'. In many cases until sampling and chemical analysis of soils and/or water has been undertaken, it is impossible to determine whether contamination is present. Sampling results must also be risk assessed to establish if there is any risk and how significant it may be.

A site cannot be identified as contaminated land simply by the presence of a contaminative substance being present in, on or under the land. In order for a site to be defined as contaminated at least one significant 'contaminant or pollutant linkage' must be demonstrated to exist. A linkage is comprised of three components:



Contaminant

The contaminant, a solid, liquid or gas, which is in, on or under the land that has the potential to cause significant harm or significant pollution of controlled waters.

Pathway

The means by which a contaminant can reach the receptor, this can be through soil, groundwater, surface water etc. For example by directly handling soil, breathing in dust from soil, ingesting soil attached to vegetables.

Receptor

A receptor is something which can be significantly impacted upon by the contaminant. The legislation identifies four main receptors:

- a) Human beings
- b) An ecological system within various designations and/or protection identified in Table 1 of the Statutory Guidance
- c) Property in the form of buildings, crops and livestock, identified in Table 2 of the Statutory Guidance
- d) Controlled waters

When all three components are present and risk assessment has concluded that significant harm is being caused or there is potential for significant harm to be caused, or significant pollution of controlled waters is or is likely to occur, this is then termed a 'significant contaminant/pollutant linkage'.

Part 2A works on a risk-based approach of the likelihood of harm or pollution of water occurring and the scale and seriousness if such occurred.

2. Aims & Objectives

The aim of this document is to outline how the Council will implement the contaminated land regime within the city, in a proportionate and cost-effective manner. It is not the intention to reiterate the specifics set out in the legislation and Statutory Guidance or other guidance available which covers the many aspects involved when assessing land for contamination. A brief outline of the regime is provided on [GOV.UK](https://www.gov.uk) and on our [own website](#).

Section 78B(1) of the EPA 1990 states:

‘Every local authority shall cause its area to be inspected from time to time for the purpose –

- (a) of identifying contaminated land; and*
- (b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site.’*

The objectives of the Part 2A regime, as detailed in paragraph 1.4 of the Statutory Guidance, are

- (a) To identify and remove unacceptable risks to human health and the environment.*
- (b) To seek to ensure that contaminated land is made suitable for its current use.*
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.’*

It is the local authority’s responsibility to meet these requirements. This Council believes the best way of achieving these objectives is through its development management and regeneration roles, only using its powers under Part 2A of the EPA 1990 where it is necessary and proportionate to do so.

The planning policies for the growth and regeneration of Lincoln are detailed within the [Local Plan for Central Lincolnshire](#)^[6]. The development of land affected by contamination is covered under policy LP16.

In addition land affected by contamination can be voluntarily addressed by the landowner and the Council would welcome the opportunity to discuss this with any person/bodies wishing to do so.

3. Characteristics of Lincoln

The City of Lincoln Council's administrative area covers 3,571 hectares with a population of 99,039^[7]. It is an urban environment with few Greenfield sites, leading to a focus on brownfield sites for development.



Set in the largely agricultural area of Lincolnshire, Lincoln has been an important settlement since Roman times and with the historic cathedral and castle, Lincoln has a rich cultural heritage. Through the mid-18th Century the commercial centre of the city grew along the water courses of the Fosdyke, River Witham and Brayford Pool with maltings, warehousing, coal and timber yards for example.

The introduction of the railway in the 19th Century and heavy engineering industry brought more growth to the city. Products included agricultural machinery, locomotives moving to military tanks and aircraft in the early 20th Century. Several excavated areas exist from gravel extraction in the southwest of the city to limestone and ironstone in the northeast. A number of these former excavated areas have subsequently been used for waste disposal.

All of these historical industrial uses will have had the potential to have leave contamination in the ground or within streams or rivers etc. Iron and steel production will have generated large quantities of wastes containing arsenic, and lead and other heavy metals. Where works produced their own coke, waste tars, waste solids and waste waters resulted. Timber treatment works created waste sludge and contamination of the ground.

Railways were very prominent within the city with at one point two railway stations present in the centre. Various contamination can result from goods sheds, depots and the ash and clinker used to construct lines. The original gas works for the city was located on Newland before moving to a larger site on Newark Road. Gas works associated activities have the potential to produce a wide variety of contaminants.

Due to the density of development within Lincoln and the way the city has evolved, there is an increased probability of residents being in closer proximity to these former industrialised areas.

Currently the city is still home to some manufacturing industries but has also expanded in the service sector, with particularly strong growth in education. The University of Lincoln is rapidly expanding with the main campus built largely on former reclaimed and remediated industrial land.

Along with the risk to human health and the water environment from potential contamination, consideration must also be given to ecological systems and property. Many areas are of an archaeological importance. Within the City, there are currently 26 [scheduled monuments](#) (one of which covers a variety of sites around the Cathedral Quarter), 417 listed buildings and 3 parks and gardens. There are 2 Sites of Special Scientific Interest (SSSI's), Swanholme Lakes and Greetwell Quarry.

The geology and hydrogeology of an area plays an important part in understanding how contamination will behave in the ground and the risk to ground and surface waters. The rocks underlying Lincoln are from the Jurassic period including Mudstone and Sandstone from the Lias Group with designation of a Secondary B aquifer. The northeast of the city is underlain by the Lincolnshire Limestone which is a Principal Aquifer. This area also has classifications of Zone II and Zone III Groundwater Source Protection Zones.

Soils above bedrock are generally Alluvium sands and gravels with clay and silt and River Terrace Deposits of sands and gravels. In the northeast of the city, soils are quite shallow, with frequently mostly made ground above the limestone. The majority of soils in the remaining areas are classed as a Secondary A aquifer with some small unproductive strata in places.

Homes and businesses in Lincoln obtain their water from the public supply mains, with no private water supplies present within the city boundary. Quantities of water are however obtained from local surface waters for use in industry and agriculture, e.g. for cooling and irrigation.

The City is crossed by two main surface watercourses, the River Witham and the Fosdyke. There are also numerous smaller watercourses and drains, which eventually join the River Witham and the Fosdyke as they flow across the City. The Fosdyke and Witham meet at the Brayford Pool in the centre of Lincoln. Historically, industries set up along the watercourses as they provided the primary means for the movement of materials and goods.

4. Strategic Inspection & Prioritisation

The City of Lincoln Council has set out its ambitions for the city in its strategic plan, Vision 2025^[8], which has five strategic priorities.

- Let's drive economic growth
- Let's reduce inequality
- Let's deliver quality housing
- Let's enhance our remarkable place
- Let's address the challenge of climate change

The Council's management of land affected by contamination has a role to play in most of these objectives from attracting investment by bringing brownfield land back into beneficial use, helping to make people safe in their communities, ensuring land is suitable for new housing and enhancing our natural environment.

Using predominantly historical maps supplemented with Council records and other local sources, a database has been compiled of sites where past uses may have led to the presence of contamination - these have been termed 'Sites of Potential Concern'. Using this, a manual method of prioritisation has been used to rank sites in order of priority for detailed inspection. Over 450 sites have been identified as Sites of Potential Concern. This ranges from large industrial sites, such as a former power station and domestic landfills, to very small, infilled ponds and warehouses of unknown use.

This list requires continued refinement to take into account those sites which have already been addressed through the planning process or voluntary remediation and as development on sites of potential concern continue.

This list of sites of potential concern is not made publicly available due to the potential to cause blight to an area which may appear on the list. These sites have not yet been investigated and have only been identified with a potential for contamination to be present due to known historical uses in order to rank into a priority order for possible inspection.

It is important to note that Part 2A addresses the risk based on the current land use. Whilst sites may have been noted as remediated or not requiring inspection this does not preclude work being required in the future should a more sensitive land use be proposed which might create a risk for end users.

Part 2A adopts a precautionary approach in terms of the risks posed by contamination. The Statutory Guidance provides more detail on the actual specifics of risk assessment and the procedures for deciding whether land meets the legal definition of contaminated land resulting in determination. Any inspection by the Council carried out under Part 2A would follow the requirements set out in the legislation and Statutory Guidance at that time.

Where land has been identified as meeting the statutory definition of contaminated land the local authority has a duty to ensure remediation of the land is undertaken.

Local authorities are required to provide written records relating to determinations of contaminated land and make such publicly available. Under Section 78R of Part 2A of the EPA 1990 enforcing authorities are required to hold a register detailing a variety of notices, appeals etc. in relation to securing the remediation of land which has been identified as contaminated. The City of Lincoln Council maintains such a register in hard copy which can be viewed at the Council's offices as well as an [electronic version](#) available on our website.

An annual measure has been calculated since 2016/17 of the 'Area of sites (m²) of potential concern made suitable for use in the year', as an ongoing means of quantifying the amount of land addressed largely through the development control process. This is reported within the Council's performance system.

5. Detailed Inspection

Sites of Potential Concern are prioritised into an order for detailed inspection with the highest ranking sites being those to be inspected first as they are viewed as being the most likeliest to have contamination present.

Detailed inspection follows a phased approach, which is standard practice for investigating the presence of contamination. This will normally include intrusive investigations involving the collection of soil and water samples along with gas and groundwater monitoring, dependent on the type of contamination suspected.

All inspections must follow the Statutory Guidance, Environment Agency [Land contamination: risk management \(LCRM\)](#) guidance ^[9], and other up-to-date best practise and guidance.

To date the City of Lincoln Council has undertaken one inspection under Part 2A of the EPA 1990. This resulted in the determination of a number of properties as statutory Contaminated Land and remediation measures required. These details can be found on the Council's Register of Contaminated Land, available online.

The inspection of potentially contaminated land sites under the Part 2A regime is very resource intensive for the local authority, in terms of both time and money.

Defra previously provided a grant system to local authorities via a bidding system, to finance the investigations. The grant system could also be used by local authorities to remediate sites, where no other responsible party could be identified. This scheme was withdrawn in 2013 and no replacement funding mechanism has been provided to enable local authorities to undertake this work.

Intrusive investigations usually require the use of external environmental consultants and can cost tens of thousands of pounds with potentially further investigation required after initial results are received. Where remediation is required, the Council will always seek to identify those persons responsible for the contamination and therefore liable for the costs of remediation.

Remediation costs can reach hundreds of thousands of pounds and where no other person is found to be liable for the costs, this would fall to the City of Lincoln Council to fund and ultimately the taxpayer.

The Statutory Guidance states that local authorities must seek to minimise unnecessary burdens on the taxpayer. As such, in the absence of any external funding mechanisms and the financial risk that this creates, the City of Lincoln Council at this time, will not pro-actively undertake Part 2A detailed inspections of Sites of Potential Concern.

The Council will continue to use the favoured mechanisms detailed in the Statutory Guidance, such as the development control process and voluntary remediation, to ensure that historical contamination is appropriately and proactively dealt with. These alternative arrangements are described in more detail below.

The Council will, however, use its powers under Part 2A of the EPA 1990 to reactively deal with contaminated land where there is clear evidence that a problem exists or is likely to exist.

6. Broader Approach

Contaminated land is considered within the Development Control and Building Control regimes to ensure sites are suitable for their current and intended use. Each system has its own requirements.

Development Control

The latest [National Planning Policy Framework \(NPPF\)](#)^[10] was published in February 2019 and revised in 2021. Paragraphs 183 onwards detail the requirements for addressing potential contamination in the development control process to ensure the site is suitable for its proposed use and, after remediation (where required), the land is not capable of being determined as Contaminated Land under Part 2A.

Environmental Health – Pollution Control act as a consultee within the planning process and work closely with Planning Officers to ensure issues of potential contamination are investigated and addressed where required, using conditions on planning consent notices, as appropriate.

Involvement continues throughout a development up to the point it is demonstrated that no remedial measures are required on a site or a final verification report is submitted and agreed to demonstrate remediation work has been successful. It is the responsibility of the developer and/or landowner to ensure the site is safe. The Council welcomes early communication on these matters so advice can be provided as to the requirements of addressing land contamination under the planning regime.

Addressing potential contamination through the development control regime is the best approach for addressing potentially contaminated sites. The high number of planning applications received per year in the city allows a much greater number of sites to be investigated than could be under the Part 2A regime. The use of other mechanisms to address potential contamination is supported by the Statutory Guidance.

Building Control

[Regulation 6 of the Building Regulations 2010](#)^[11] identifies resistance to contaminants as being a requirement to certain material changes of use.

[Approved Document C, 'Site preparation and resistance to contaminants and moisture'](#)^[12], provides guidance for addressing potential contamination within the Building Control regime.

Again the Pollution Control team works closely with Building Control Officers with regards to the requirements under the legislation and the subsequent remediation measures agreed for a site with the developer/landowner.

Environmental Permitting Regime

The [Environmental Permitting \(England and Wales\) Regulations 2016](#)^[13] and subsequent amendments provides a regime for the regulation of prescribed industrial and waste management activities.

Where significant harm or pollution of controlled waters comes from a process regulated under the above regimes, a remediation notice under Part 2A of the EPA 1990 cannot be served if the powers are available under the relevant Environmental Permitting (EP) regime to address the harm or pollution of controlled waters.

Voluntary Remediation

The Council welcomes any discussions with landowners/occupiers who wish to address potential contamination on their land on a voluntary basis. This sometimes occurs where a landowner wishes to sell land, use it as equity, reduce the risk of damage to the environment or limit any future liability.

Regional Collaboration

The City of Lincoln Council is a member of the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG). This is a voluntarily run organisation comprised of a number of local authorities through the Yorkshire and Lincolnshire area. YALPAG works to provide support to local authority officers, encourage dialogue with the wider industry and deliver consistency in the regulation of environmental pollution matters.

The Land Technical Group within YALPAG has produced a guidance booklet, [‘Development on Land Affected by Contamination’^{\[14\]}](#), primarily for use by developers in the planning process. It provides a useful overview of the stages involved when investigating land for potential contamination. YALPAG has also produced two further guidance documents on verification requirements for two common forms of remediation. These are widely known throughout the region and even nationally, being adopted by authorities outside the YALPAG region as well.

This is an important element of the Council’s work in liaising further with environmental consultants and developers to improve standards of investigation and increase awareness of the requirements particularly within the planning process.

Glossary

Aquifer – A body of rock or sediment that is sufficiently permeable to store and transmit water under the ground, in quantities that permit use of the water.

Contaminant – a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters.

Controlled waters – as defined by Part 3 of the Water Resources Act 1991 which includes relevant territorial waters, coastal waters, inland freshwaters and groundwaters (any waters contained in underground strata). However, for Part 2A purposes groundwaters does not include waters contained in underground strata that are above the saturation zone.

Harm – as defined in section 78A(4);

‘harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.’

In terms of radioactivity as defined in section 78A(4)(as modified);

‘lasting exposure to any person resulting from the after-effects of a radiological emergency, past practice or past work activity’.

Intrusive Investigation – an investigation of land, for example by exploratory excavations, which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information.

Pollution of controlled waters – as defined by section 78A(9) of Part 2A;

‘the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter’.

Possibility of significant harm – in terms of human health the risk posed by one or more contaminant linkage(s) relating to land. As per section 4.11 of the Statutory Guidance it comprises:

- (a) *The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question.*
- (b) *The estimated impact if the significant harm did occur i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.*

Principal Aquifer – as defined by the Environment Agency

‘These are layers of rock or drift deposits that have high intergranular and/or fracture permeability – meaning they usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. In most cases, principal aquifers are aquifers previously designated as major aquifer’.

Remediation – the doing of any works to prevent, minimise, remedy or mitigate against the risk of contamination.

Secondary Aquifer – as defined by the Environment Agency;
‘These include a wide range of rock layers of drift deposits with an equally wide range of water permeability and storage. Secondary aquifers are sub divided into two types:

Secondary A – permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. These are generally aquifers formerly classed as minor aquifers

Secondary B – predominantly lower permeability layers which may store and yield limited amounts of groundwater due to localised features such as fissures, thin permeable horizons and weathering. These are generally the water-bearing parts of the former non-aquifers.’

Source Protection Zones – these relate to groundwater sources such as wells, boreholes and springs which are used for public drinking water. As described by the Environment Agency, ‘these zones show the risk of contamination from any activities that might cause pollution in the area’ which could be a risk to a drinking water supply. The closer such an activity might be to a source the greater the risk.

Unproductive Strata – layers of rock with such low permeability they can hold little water and therefore are not aquifers.

References

1. Part 2A of the Environmental Protection Act 1990, UK Statutory Instrument, Chapter 43; as inserted by Section 57 of the Environment Act 1995
2. The Radioactive Contaminated Land (Modification of Enactments) (England) Regulation 2006, Statutory Instrument 2006 No. 1379
3. The Contaminated Land Regulations (England) 2006, Statutory Instrument 2006 No. 1380
4. Environmental Protection Act 1990: Part 2A, Contaminated Land Statutory Guidance, Department for Environment, Food and Rural Affairs, April 2012
5. Environmental Protection Act 1990: Part IIA, Radioactive Contaminated Land Statutory Guidance, Department for Business, Energy & Industrial Strategy, June 2018
6. Central Lincolnshire Local Plan 2012-2036, adopted April 2017, (available from www.n-kesteven.gov.uk/central-lincolnshire/)
7. Lincoln City Profile 2020, City of Lincoln Council, (available from <https://www.lincoln.gov.uk/downloads/download/138/lincoln-city-profile>)
8. Vision 2025 – Strategic Plan, City of Lincoln Council, (available from <https://www.lincoln.gov.uk/council/vision-2025/1>)
9. Environment Agency [Land contamination: risk management \(LCRM\)](#) guidance (only available in GOV.UK manual format)
10. National Planning Policy Framework, Ministry of Housing, Communities & Local Government, February 2019 (available from <https://www.gov.uk/government/publications/national-planning-policy-framework--2>)
11. The Building Regulation 2010, Statutory Instrument 2010 No. 2214
12. Site preparation and resistance to contaminants and moisture: Approved Document C, HM Government, 2013
13. The Environmental Permitting (England and Wales) Regulations 2016, Statutory Instrument 2016 No. 1154
14. [Development on Land Affected by Contamination](#) – Technical Guidance for Developers, Landowners and Consultants, YALPAG, version 11.2, June 2020

This page is intentionally blank.

POLICY SCRUTINY COMMITTEE

15 MARCH 2022

SUBJECT:	SCRUTINY ANNUAL REPORT 2020/21
REPORT BY:	CHIEF EXECUTIVE AND TOWN CLERK
LEAD OFFICER:	CLAIRE TURNER - DEMOCRATIC SERVICES OFFICER

1. Purpose of Report

- 1.1 To present the Scrutiny Annual Report for 2020/1 for comments, prior to being referred to Full Council for approval.

2. Background

- 2.1 Within the Constitution it states that the scrutiny committees should produce an annual report to Council. Chairs of the Scrutiny Committees do produce individual reports to Council during the municipal year, however, the attached Scrutiny Annual Report (**Appendix 1**) summarises the work of the five committees for the full year and highlights the key achievements made under scrutiny in 2020/21.

- 2.2 Once the Annual Report has been approved, it will be published on the Council's website and circulated to interested persons or groups as appropriate.

3. Recommendation

- 3.1 That the Scrutiny Annual Report for 2020/21 be agreed and referred to Full Council for approval.

Key Decision No

Key Decision Reference No.

Do the Exempt Information Categories Apply No

Call In and Urgency: Is the decision one to which Rule 15 of the Scrutiny Procedure Rules apply? No

Does the report contain Appendices? Yes

If Yes, how many Appendices? One

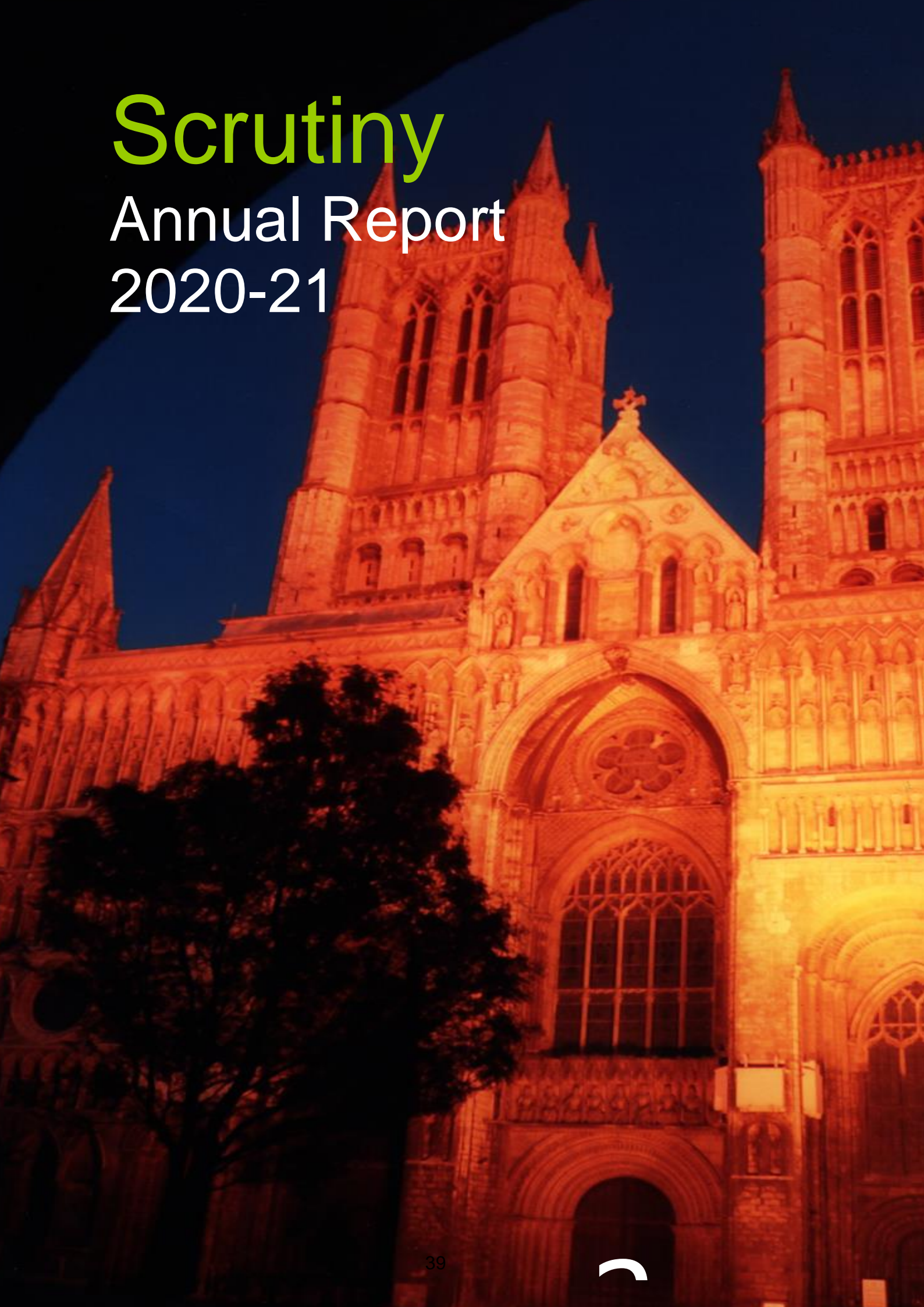
List of Background Papers:

Lead Officer: Claire Turner, Democratic Services Officer
Telephone 873619

This page is intentionally blank.

Scrutiny

Annual Report 2020-21



Introduction

During 2020-21 the City of Lincoln Council continued to operate executive arrangements, with its Executive comprising the Leader of the Council and five other councillors as portfolio holders. Most the Council's important decisions are made by the Executive. To improve the quality of the Executive's decisions, overview and scrutiny committees remained in place, which provided the opportunity for the remaining 27 non-executive councillors to challenge decisions made by the Executive, as well as to help the Executive in reviewing and developing new policies.

This report covers the council year from May 2020 until March 2021 and is the first scrutiny annual report since 2018-19, as a report for 2019-20 was not prepared owing to the pressures of the Covid-19 pandemic, with changes to the allocation of staff resources.

Background to Scrutiny

The scrutiny committee structure is: -

- Performance Scrutiny Committee
- Policy Scrutiny Committee
- Community Leadership Scrutiny Committee
- Select Scrutiny Committee
- Housing Scrutiny Sub-Committee

What Did We Achieve in 2020/21?

The Council appointed the following overview and scrutiny committees for 2020/21:

Overview and Scrutiny Committee	Chair
Community Leadership Scrutiny Committee	Councillor Jane Loffhagen
Performance Scrutiny Committee	Councillor Gary Hewson
Policy Scrutiny Committee	Councillor Bill Bilton
Select Scrutiny Committee	Councillor Jane Loffhagen
Housing Scrutiny Sub Committee*	Councillor Gary Hewson

*The Housing Scrutiny Sub Committee is a sub-committee of the Performance Scrutiny Committee and reports to this Committee on a quarterly basis.

With the exception of the Select Scrutiny Committee and Housing Scrutiny Sub Committee, the work programmes for these scrutiny committees were formally approved by the respective Committees in June 2020 and regularly updated throughout the council year after this time. The introduction of a regular Housing Scrutiny Sub Committee work programme was at its infancy in June 2020 and was formally approved by members at the January 2021 meeting. The Select Scrutiny Committee meets once each year as the statutory Crime and Disorder Committee, as well as considering any call-in requests made throughout the year.

This report identifies some of the key achievements made by the Committees. Current work programmes for scrutiny committees, can be found on the Council's website.

Community Leadership Scrutiny Committee

Between September 2020 and March 2021, the Community Leadership Scrutiny Committee met on seven occasions and focused on two issues relating to the effects of the Covid-19 pandemic:

- on local businesses, and what has been or could be done to assist; and
- on individuals and what has been happening or could happen to assist.

As the pandemic was a continuing challenge, the Committee decided to pass on the information gathered immediately and directly into the organisation to assist the Council's response to the pandemic. This differed from the usual practice of gathering evidence and presenting a report at the end of the year. As a result, a significant part of the information received by the Committee was included in the Council's response to the pandemic report.

In addition to the Council's Executive and its senior and front-line officers, external contributors included:

- Sarah Loftus, Chief Executive of Lincoln Business Improvement Group
- Barry Hepton Local Business Owner and Vice Chair of the Bailgate Guild
- Nicola Lockwood, Local Business Owner and Chair of the Bailgate Guild
- Derek Ward, Director of Public Health, Lincolnshire County Council
- Justin Brown, Assistant Director for Growth, Lincolnshire County Council
- Graham Metcalfe, Department for Work and Pensions
- Kate Edgar, Development Plus

The Committee recorded its thanks to all its contributors and council staff who stayed for long and sometimes late meetings during the year, and whose contributions were so helpful and enlightening.

The Committee's recommendations concerned a variety of topics such as business rate relief; rent deferrals for tenants and charity and voluntary sector; the Test and Trace programme; the Kick Start programme; signposting to the Council's support and the national furlough scheme; advice on rapid digitalisation for businesses; and advice for those in the tourism and hospitality industry.

The Committee also concluded that the Council's response to the pandemic during the year had been constructive, practical, flexible, and effective. Staff of all grades and members alike showed generosity, flexibility, and preparedness to step out of their comfort zones to help residents at such a difficult time. It was a testament to the sometimes much-maligned public services about what can be achieved and how fast by a public sector determined to be effective.

Performance Scrutiny Committee

As part of the Performance Scrutiny Committee's remit, it held regular 'portfolio under scrutiny' sessions, where portfolio holders were invited to report on service achievements under their portfolio. Members were then able to ask questions about the performance of these service areas. The consideration of portfolio reports included the provision of a template for reports which placed a focus upon providing performance information relating to the member's portfolio. By doing so, the Committee was able to focus on the performance of a portfolio with fewer diversions into detailed analysis of policy issues.

A regular report was provided in the form of a Portfolio Performance overview presented by the Policy Unit to the relevant Performance Scrutiny Committee meeting, with the purpose of bringing out key contextual benchmarking indicators about issues in the city overall in relation to the portfolio under scrutiny. This process helped promote effective scrutiny of the portfolio holder's report.

In addition to the regular scrutiny of portfolio holders, the Committee received reports in the following areas:

- Quarterly financial monitoring to provide members with a summary of actual income and expenditure compared to the revised budget and appropriate allocation of any surpluses to reserves.
- Quarterly performance update reports to ensure regular monitoring of the Council's operational performance as a key component of the Local Performance Management Framework.
- A quarterly review of the Strategic Risk Register - what improvements or issues have been identified.
- A report on Treasury Management and Actual Prudential Indicators as a requirement of the Council's reporting procedures under regulations issued under the Local Government Act 2003.
- An annual report detailing progress made by the Central Lincolnshire Joint Strategic Planning Committee.
- An update report on Section 106 contributions.
- Income and arrears monitoring reports providing updates to members on the position with regard to amounts of monies owed to the City Council as of 1st April.
- Revenues and Benefits performance updates providing members with an update on performance in the Revenues and Benefits Shared Service.
- A report on the financial and performance position of the Housing Repairs Service at the end of the 2019/20 financial year was received by members of Performance Scrutiny Committee on 21 January 2021. It was highlighted that performance continued to increase among the Housing Repairs Service with tenant satisfaction exceeding the performance target.

Members took part in the budget review process for the scrutiny of the proposed budget and Council Tax for the 2021/22 financial year and the Medium Term Financial Strategy 2021-2026, undertaken in two separate stages; firstly all members were invited to a briefing session to afford all members the opportunity to

gain a greater understanding and awareness of the Council's financial position, thus aiding further scrutiny of the budget and in the case of the opposition party if desired the preparation of an alternative budget. This was followed by a more traditional scrutiny process undertaken to review in more detail the MTFs and the robustness of the proposed budget options and Council Tax for the 2021/22 financial year. This was undertaken in a committee format as the Budget Review Group with the appropriate governance arrangements in place.

The Committee held scrutiny reviews during the 2020/21 year in respect of:

A Review of 2019/20 including our COVID-19 Response

A report was given to members of performance during 2019/20 including details of our response to the Covid-19 pandemic. It included Q4 performance outturn for the year, as well as the period of the emergency response starting in March 2020, and the services that were deployed from then.

Our Befriending Service

Members received a report regarding the befriending service which was set up in the final days leading up to the COVID-19 lockdown on 23rd March 2020. The report covered the following areas:

- An introduction to our Befriending Service
- The issue our lonely, vulnerable, and elderly population faced
- What we wanted to achieve
- Who was involved and why it was effective?
- Our Timeline
- How our staff felt
- How our residents felt
- Feedback and compliments
- The future of the service

Fire Safety Update

On 21 January 2020, members received a report on the actions and progress that had been taken on fire safety in light of the Hackitt review following the tragic events at Grenfell Tower.

The report included recommendations taken from the Hackitt report accepted by The Ministry for Housing, Communities and Local Government and the progress that had been made in advance of the proposed implementation through legislation.

Service Delivery During our COVID-19 Response

During the whole of the financial year, measuring performance had been a challenge for the majority of service areas – some services had little or no data to report as they had been closed e.g., Leisure Centres, whilst others had been under extreme pressure to deliver a different service and existing measures had not been applicable, such as Food Health and Safety. It was therefore agreed to delay Quarter 3 reporting, as was done in Quarter 1, and produce a combined Quarter 3

and Quarter 4 report to capture performance for the second half of the financial year, subject to performance data being available.

Instead of the usual performance report, this report provided an overview of how services across the council had been operating during the pandemic with a focus on the period from October, just before the second lockdown. It reported not only on how services had adapted to changes during the ongoing restrictions, but also provided an insight into how services were planning for an easing of restrictions and return to a 'new normal' in the months ahead.

Policy Scrutiny Committee

During 2020/21, the Committee met six times, principally to scrutinise decisions due to be taken by the Executive or Council. The Committee provided its insights and recommendations on a variety of topics, which were suitably reflected in the eventual decision-making process.

The Committee scrutinised the following topics in particular detail:

Review of Trusted Landlord Scheme and Proposed Changes

The Committee was presented with the proposed changes to the City of Lincoln Council's Trusted Landlord Scheme and were asked to review the changes. They were advised that the Trusted Landlord Scheme provided collective public recognition for responsible landlords who delivered private rented accommodation in the City. The purpose of the Scheme was to improve standards of accommodation and management, help improve neighbourhood relations and to recognise and support those landlords participating in the Scheme. The Committee received an overview of the current scheme and were asked to consider the following proposed changes:

- 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 would be taken into consideration when arranging compliance visits
- Virtual inspections would 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

Members of the committee discussed the report and generally supported the proposed changes to the scheme.

Following the discussion members recommended to Executive that the proposed changes to the Trusted Landlord Scheme be approved.

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

The committee was presented with a proposal to implement a Public Space Protection Order (PSPO) within the Councils multi-storey carparks namely Lucy Tower, Lincoln Central and Broadgate. They were advised that the PSPO would provide additional tools and powers to reduce and manage incidents of Anti-Social Behaviour and drug use within the Councils multi-storey carparks.

The Committee considered the evidence provided, including reported incidents and discussed the responses received from both the public and private consultation.

Members were generally supportive of the proposed PSPO and commented that this approach was sympathetic but also the process would make dealing with anti-social behaviour quicker and simpler.

Following the discussion members recommended to Executive that the proposal to implement the PSPO be approved.

In addition to the key topics, the Committee also scrutinised the following items and forwarded its comments for consideration by the Executive:

- Lincoln Social Responsibility Charter
- Planning White Paper Consultation
- Draft Housing Strategy 2020-25
- Lincoln Tenants Panel Grass Verge Survey Proposal
- Localised Council Tax Support Scheme 2021/22
- Facilities Strategy
- Physical Activity Strategy
- Housing Strategy 2020-25 Response to the Consultation Draft
- Proposals for the Review of Existing Public Space Protection Order within the City Centre
- Management of Change in Development Management

The Committee also received regular updates from the Health Scrutiny Committee.

Select Scrutiny Committee

The principal functions of the Select Scrutiny Committee are to meet once per year as the Crime and Disorder Committee; and to consider any requests for the call-in of Executive decisions, which allows scrutiny members to challenge a decision made by the Executive or any of its individual portfolio holders, prior to the implementation. This gives the Select Scrutiny Committee the opportunity to examine a decision where particular concerns have been raised and respond accordingly.

There was one call-in request during 2020/21 on the update of the position of the Lincoln Arts Trust Ltd, which was considered on 27 October 2020. After consideration of all the evidence and submissions made, the Committee decided to refuse the call-in request.

Owing to the pressures of the pandemic, the Committee was not able to sit as the Crime and Disorder Committee during the 2020/21 council year, but has been able to reinstate this for 2021/22, with a meeting on 21 July 2021.

Housing Scrutiny Sub-Committee

The Housing Scrutiny Sub-Committee is a sub-committee of Performance Scrutiny Committee. It was established in 2008 to increase engagement between backbench Members and Tenant Advisory Panel representatives. The Sub-Committee has continued to meet and tenants on the Committee consider that it has helped them have their say when scrutinising housing matters. The Committee met six times during 2020/21 and considered many reports which included the following topics:

- LTP Matters
- LTP Grass Verges Survey
- Sheltered Housing
- Cleaning of Communal Areas
- Sustainment of Tenancies
- Housing Service Delivery COVID Update
- Befriending Service during COVID
- Housing Finance
- Homelessness and Rough Sleeping
- Allocations Policy
- Housing Register
- Mutual Exchange Policy
- Resident Engagement Building Safety
- Rents
- Voids
- Target Setting

The Committee also effectively scrutinised Housing performance on a quarterly basis and received regular updates on the progress of the Lincoln Tenants Panel.

Contact Us

Democratic Services

Tel: 01522 873439
E-mail: democraticservices@lincoln.gov.uk

Write to us at:

Democratic Services Team
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DD

Or visit our website: www.lincoln.gov.uk

POLICY SCRUTINY COMMITTEE

15 MARCH 2022

SUBJECT:	DRAFT POLICY SCRUTINY WORK PROGRAMME 2022/23 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 Draft Policy Scrutiny Committee Work Programme for 2022/23 and receive comments and considerations from members with items for the municipal year 2022/2023 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 2022/23 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

This page is intentionally blank.

Policy Scrutiny Committee Work Programme – Timetable for 2022/23

June 2022

Item(s)	Responsible Person(s)	Comments
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Policy Scrutiny Work Programme 2022 -2023	Democratic Services	Regular Report
Recycling- paper and card collections proposal	Steve Bird	
LTP Constitution	Andrew McNeil	

August 2022

Item(s)	Responsible Person(s)	Comments
Policy Scrutiny Work Programme 2022-2023 Update	Democratic Services	Regular Report
Protecting Vulnerable People	Paula Burton	Annual Update
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

October 2022

Item(s)	Responsible Person(s)	Comments
Policy Scrutiny Work Programme 2022 -2023	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Review of Facilities Strategy	Steve Lockwood	Annual Review

November 2022

Item(s)	Responsible Person(s)	Comments
Post Implementation Review – Public Conveniences	Steve Bird	Requested by committee at meeting held on 24 August 2021
Policy Scrutiny Work Programme 2022-2023 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

January 2023

Item(s)	Responsible Person(s)	Comments
Policy Scrutiny Work Programme 2022-2023 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

March 2023

Item(s)	Responsible Person(s)	Comments
Policy Scrutiny Work Programme 2023-2024 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

EXECUTIVE WORK PROGRAMME

March 2022 - February 2023

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
21 March 2022	Lincare Review	To agree a way forward for the Lincare services following a review of the current service	Executive	Yes	Private
21 March 2022	Lincoln Central Market	Details of progressing to entering into a contract for delivery	Executive	Yes	Private
21 March 2022	Affordable Warmth Strategy	To approve the Strategy	Executive	No	Public
21 March 2022	Lincoln City Profile 2021-2022	To approve Lincoln City Profile 2021-22 for publication.	Executive	No	Public
21 March 2022	Hermit Street Regeneration	Project Approval	Executive	Yes	Private
21 March 2022	Central Lincolnshire Local Plan: Proposed Submission	Recommend a formal response to the Proposed Submission version of the Local Plan on behalf of the Council.	Executive	No	Public
21 March 2022	Land Acquisition: Greyfriars Re-imagined	Approval to acquire an area of land as part of the Greyfriars Re-imagined Project	Executive	Yes	Private
21 March 2022	Write Outs of Irrecoverable Non Domestic Rates, Former Tenant Arrears and Overpayment of Housing Benefit	To approve write-outs of irrecoverable monies due to the Council.	Executive	Yes	Private
21 March 2022	Disposal of Council Property		Executive	No	Private

21 March 2022	Levelling Up Lincoln	Decision on actions as part of Lincoln response to the Levelling Up White Paper	Executive	Yes	Public
21 March 2022	Western Growth Corridor - Next Steps	Decision on the next steps for landowner delivery of the development	Executive	Yes	Partly Private
21 March 2022	Health & Wellbeing Strategy	Adoption and next steps on the Health & Wellbeing Strategy	Executive	Yes	Public
21 March 2022	Delivery Review of the County Homelessness Strategy	To extend Lincolnshire Homelessness Strategy for a further 12 months to allow time for review.	Executive	Yes	Private
21 March 2022	Housing Pipeline Approach	Decision on the approach to developing a housing pipeline on City Council owned land	Executive	Yes	Public
21 March 2022	Performance Target Setting for 2022-23	To agree on targets set for the next financial year and support the report recommendations.	Executive	No	Public
12 April 2022	Building Safety Engagement Strategy	To approve the Resident Engagement Strategy for Building Safety 2021	Executive	No	Public
24 May 2022	Financial Monitoring Quarterly Review	To present to Executive the fourth quarter's financial performance 2021/22	Executive	No	Public
24 May 2022	Greetwell Place Managed Workspace - Future Arrangements	Nature of the City Council's involvement in the operation of Greetwell Place	Executive	Yes	Private
24 May 2022	Strategic Risk Register Quarterly Review	To provide the Executive with a status report of the revised Strategic Risk Register as at the end of the fourth quarter 2021/22.	Executive	No	Partly Private

24 May 2022	Operational Performance Quarterly Monitoring Report	To present to Members a summary of the operational performance position for quarters four of the financial year 2021/22 (from January 2022 to March 2022)	Executive	No	Public
24 May 2022	Treasury Management Stewardship & Actual Prudential Indicators Report 2021/22 (Outturn)	To report on the annual Treasury Management Stewardship Report under regulations issued under the Local Government Act 2003.	Executive	No	Public
25 July 2022	CCTV Code of Practice Review	Renewal of CoP, including any recommended changes.	Executive	No	Public