

POLICY SCRUTINY COMMITTEE

Tuesday, 7 June 2022

6.00 pm

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

Membership: Councillors Jane Loffhagen (Chair), Calum Watt (Vice-Chair),
Debbie Armiger, Rebecca Longbottom, Bill Mara, Mark Storer and
Emily Wood

Substitute member(s): Councillors Gary Hewson and Pat Vaughan

Officers attending: Democratic Services, Charlie Mason and Francesca Bell

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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 Calum Watt, Councillor Jane Loffhagen,
Councillor Bill Mara, Councillor Mark Storer and
Councillor Pat Vaughan

Apologies for Absence: Councillor Liz Bushell

40. Confirmation of Minutes - 15 February 2022

RESOLVED that the minutes of the meeting held on 15 February 2022 be confirmed.

41. Matters Arising

Minute 31. Lincoln Tenants Panel Constitution

Andrew McNeil, Assistant Director, Housing Strategy circulated a point of clarification and raised the following main points:

- a. advised that further consultation was being carried out electronically on behalf of The Lincoln Tenants' Panel by the Resident Involvement Team through social media and the Council's Website.
- b. clarified that Whilst the Lincoln Tenants' Panel's current constitution referred to Tenant representatives representing areas across the City, there were no area committees in place for the purpose of elections. However, tenant representatives were encouraged to engage with local community groups and neighbourhood boards to gain a wider understanding of the issues that were important to tenants across the City.
- c. clarified that whilst The LTP'S current constitution had the provision for elections set out, this rarely happened. Elections only occurred when a vacancy arose on The Panel. When there was a vacancy all tenants were notified of this in writing in the area where the vacancy occurred. All tenants in the area were given the opportunity to apply to The Panel. In the event of there being two or more applications an election was held for the area seat.
- d. stated that since 2016 only 3 elections had been held in areas where seats were contested.

Councillor Calum Watt expressed concern that there had only been 3 elections since 2016 and commented that he felt that the constitution needed to be future proofed to ensure that the LTP was representative of the tenants and was not a self-selective body. Mick Barber, Chair of LTP responded that the panel had worked hard in producing this constitution and they felt that it would make improvements for the better to help tenants. It would encourage the community to commit and get involved in resident involvement. He re-iterated that the revised constitution would improve the work of the Tenants Panel.

Councillor Calum Watt, further commented that he would like to see the questions in the consultation. Andrew McNeil, Assistant Director Housing, responded that the consultation questions were on the Councils website.

The Chair asked if the Council still produced and circulated the tenants newsletter. Mick Barber, Chair of LTP responded that the tenants newsletter was still produced but was not printed and circulated to every tenant like it used to be. It was published online and a printed copy was available if requested, this was in line with best practice. Social media had proven to be the best way to connect with tenants.

Councillor Jane Loffhagen, stated that her concern was that the tenants panel remained a tenants body representing all areas of the City, she commented that hopefully with the re-starting of roadshows and Neighbourhood Boards that this would be addressed. Mick Barber, Chair of LTP commented that it had been a difficult 2 years with the pandemic and being unable to meet with tenants. The re-commencing of roadshows and Neighbourhood Boards would improve residents involvement.

42. Declarations of Interest

No declarations of interest were received.

43. Contaminated Land Inspection Strategy

Simon Colburn, Assistant Director Health and Environment

- a. presented the revised Contaminated Land Inspection Strategy for consideration prior to referral to Executive
- b. advised that the Council had a statutory duty under Part 2A of the Environment Protection Act 1990 to deal with land contamination and to have an inspection strategy which set out the Councils approach
- c. explained that the Contaminated Land Capital Grants programme from Central Government was previously available to local authorities to bid for funds to carry out proactive investigations and remediations work. The funding programme had been withdrawn in 2013 and had subsequently not been replaced with an alternative
- d. advised that the refreshed strategy reflected the council 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
- e. summarised the revised strategy and covered the following main areas:
 - i. Introduction
 - ii. Aims and Objectives
 - iii. Characteristics of Lincoln
 - iv. Strategic Inspection and Prioritisation
 - v. Detailed Inspection
 - vi. Broader Approach

- f. invited committees questions and comments

Members asked if land was routinely checked for contamination as part of the planning process.

Simon Colburn, Assistant Director Health and Environment responded that areas of contaminated land were already known to the Council. All planning applications were checked and sites of potential concern and would be automatically flagged up if a planning application was within a zone or near to an area of contaminated land.

RESOLVED that the Contaminated Land Inspection Strategy be supported and referred to Executive for approval.

44. Scrutiny Annual Report

Claire Turner, Democratic Services Officer:

- a) presented the Scrutiny Annual Report for 2020/21 for comments, prior to being referred to Full Council for approval.
- b) advised that that the Constitution stated that the scrutiny committees should produce an annual report to Council. Chairs of the Scrutiny Committees did produce individual reports to Council during the municipal year, however, the Scrutiny Annual Report summarised the work of the scrutiny committees for the full year and highlighted the key achievements made under scrutiny in 2020/21.

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

45. Health Scrutiny Update

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meeting held on 16 February 2022, these were:

- East Midlands Ambulance Service Update
- NHS Continuing Healthcare
- Suicide Prevention in Lincolnshire
- United Lincolnshire Hospitals NHS Trust – Reconfiguration of Urology Services Update.

The committee discussed in detail suicide rates and expressed concern that Lincoln had the highest suicide rate in the County. Further concern was expressed regarding suicide rates in the younger population aged between 14 and 21. Councillor Jane Loffhagen suggested that this could be a potential topic for Community Leadership Scrutiny Committee.

RESOLVED that the report be noted.

46. Policy Scrutiny Work Programme 2022-23 and Executive Work Programme Update

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 2022 - 23 and Executive Work Programme Update'.
- b. presented the Executive Work Programme March 2022 – March 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.

The committee discussed the current operation of Neighbourhood Working and the possibility of this area being added to the work programme for next year. The Democratic Services Officer confirmed that she would liaise with the relevant Officer regarding options for the review of the Council's policy in this area.

RESOLVED that:

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

SUBJECT:	UPDATED ANIMAL POLICY (INC WELFARE STATEMENT)
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCECSA BELL – PPASB & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Policy Scrutiny Committee members on the revised Animal policy.
- 1.2 To seek the views of the Policy Scrutiny Committee on the revised policy prior to its consideration by the Executive.

2. Executive Summary

- 2.1 The Council has many and varied roles and functions that relate either directly or indirectly to animals.
- 2.2 This policy had a major review in 2017 which brought together a number of our functions into one collective policy. The policy in 2017 was drafted by experts, consulted on with specialists, third sector and industry bodies.
- 2.3 The policy has received a refresh as it has now been in place for over 4 years. There have not been and significant changes with the exception of a change to the licensing of activities involving animals with effects Pet shops, Dog and Cat Boarding, Home boarding of Dogs and Dog Day Care, horse riding establishments and performing animals.
- 2.4 The Animals Policy is attached as appendix A.

3. Background

- 3.1 In 2017 the council overhauled its animal policy and created a robust single policy that also encompassed our previous animal welfare charter.
- 3.2 The policy focuses on upholding the welfare of animals and ensuring that the high standards the Council has a long-held tradition of upholding in relation to the welfare of animals in its local area, both through our service delivery and our policy position.
- 3.3 The purpose of this is to embed the relevance of the welfare statement, provide consistency across our services and present a cohesive position externally.

4. The revised Animal Policy

- 4.1 The revised policy can be found attached as appendix A. There have been some minor adjustments made to the policy, as can be seen in the attached documents – all amendments are in blue text for ease of reading.
- 4.2 The policy has been updated to reflect changes in the council's strategic priorities.
- 4.3 Section 12 which details the licensing regime for animal activities has been updated to reflect the change in legislation which occurred in October 2018. The policy previously referred only to pet shops.
- 4.4 Finally, it includes minimal amendments in relation to changes in Data Protection legislation.

5. Policy Areas

- 5.1 The policy also deals with several individual areas where we have direct responsibilities, which includes;
 - Dogs
 - Animal nuisance
 - Horses
 - Dangerous Wild Animals, Breeding and Boarding Establishments
 - Licensing of Activities involving Animals

6. Strategic Priorities

- 6.1 Let's drive inclusive economic growth
Part of our functions in relation to Animals involve regulation of industry. It is critical that the way we deliver regulation leaves space for business to grow and innovate whilst ensuring high welfare standards are maintained.
- 6.2 Let's reduce all kinds of inequality
Animal nuisance, stray or dangerous dogs can often have an impact in some of the most deprived areas of our City. Welfare can be linked to inequality and financial difficulties which can in turn lead to the maltreatment, trade or abandonment of dogs or other animals. This policy ensures the best possible response to tackle these issues.
- 6.3 Let's deliver quality housing
This policy relates to all tenures of property including our own council stock and so ensuring that the housing we provide is safe and offers a good quality of life free from animal nuisance.
- 6.4 Let's enhance our remarkable place
By ensuring that high standards of animal welfare are embedded across our work both in residential and commercial settings will help to enhance our remarkable place.

7. Organisational Impacts

- 7.1 **Finance (including whole life costs where applicable)**

There are no significant financial impacts associated with this policy. However legal challenge may result in legal expenses.

7.2 Legal Implications including Procurement Rules

The legal implications of this policy are ensuring that the council fulfils its statutory obligations in taking reasonably practicable steps to investigate complaints of nuisance within its boundary. This may result in cases being progressed to court, this has an impact on both the PPASB and legal teams' resources.

7.3 Equality, Diversity and Human Rights

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

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

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

This policy seeks to ensure that both equality and diversity are considered at the point of a service request being made and throughout the enforcement process. The policy serves to ensure that no-one is unfairly impacted and that the service can be accessed by all.

7.4 Human Resources

There are no HR implications of this policy.

7.5 Land, Property and Accommodation

There are no land, property or accommodation implications.

7.6 Significant Community Impact &/or Environmental Impact

There are no significant community or environmental implications.

7.7 Corporate Health and Safety implications

Employees investigating animal nuisance or welfare standards may be lone workers and may face confrontational situations. These risks are identified and managed via both written and dynamic risk assessments. Training, elimination and reduction of risk and PPE are all provided to manage the risks posed.

8. Risk Implications

8.1 (i) Options Explored

No further options explored

8.2 (ii) Key risks associated with the preferred approach

This policy seeks to reduce risks associated with noise nuisance.

9. Recommendation

9.1 That Policy scrutiny consider and comment on the policy and refer to executive.

Is this a key decision? No

Do the exempt information categories apply? No

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

How many appendices does the report contain? One

List of Background Papers: None

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CITY OF LINCOLN COUNCIL

ANIMAL POLICIES

INCLUDING;

WELFARE STATEMENT

DOGS

ANIMAL NUISANCE

HORSES

PET SHOPS

DANGEROUS WILD ANIMALS,

BREEDING AND BOARDING

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1. Vision

To protect and promote the welfare of animals and wildlife within the City of Lincoln, providing a trusted and effective service, which is accessible to all.

2. Policy summary

Service commitments	
Our response	
Animal Welfare	A clear commitment to support the protection of pets, animals and wildlife.
Dogs	To oversee, with partners, the city’s pet population and protect the public wherever possible
Animal Nuisance	To ensure that where the manner in which animals are kept affects a person’s health, or causes a nuisance, appropriate action is taken
Horses	To protect and promote the welfare of horses within the city
Wildlife	To protect and promote wildlife, along with encouraging community engagement and tolerance
Pet Shops	To provide safe and well managed pet shops with a high regard to the welfare of animals
Dangerous Wild Animals	To work with our licensing function to ensure the risk to the animals and the public is well managed

3. Introduction

- 3.1 Animals are intrinsically linked to human life, either as wildlife, pets, working animals, food and agriculture or business. They are a part of the fabric of our world and play a significant part in many people's lives.
- 3.2 The City of Lincoln Council (further referred to as we/us) have a number of roles in relation to animals and this policy lays out those duties and our response.
- 3.3. We also, through this policy, seek to make a strong statement about our views on the need to protect animals and wildlife within the city, and beyond.

4. Aims

- 4.1 Through development and adoption of this policy we aim to achieve the following;
- Reduce unnecessary suffering to animals
 - Protect the public from animals that may cause a danger
 - Protect the public from health impacts and/or nuisance caused by animals
- 4.2 A new set of strategic priorities for the council are emerging and the above aims are totally compatible with the overarching principles of these priorities; a future where people feel safe and welcome in their communities, everyone has the support they need to get a decent job and an affordable home, and where Lincoln is renowned for enterprise, heritage and educational excellence. The Council's strategic aims are:
- 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

5. Scope of this policy

- 5.1 This policy applies to all people and animals living, visiting and working within the City of Lincoln Council's boundaries.

6. Policy statement

- 6.1 This policy is designed to inform members of the public what they can expect from us in terms of our varied role in relation to animals.
- 6.2 We recognise our varying roles, as a licensing authority, investigative and prosecuting body, and custodian of sites. This policy sets out clearly the standards of service that all can expect during the conduct of these roles.
- 6.4 We also acknowledge our role as community leaders and seek to utilise this role to promote the need for further enhancements in animal welfare and the management of the animal population.
- 6.5 We seek to actively support, and work in partnership with a large range of community, charitable, and specialist organisations that work tirelessly to protect and promote the welfare of animals and we urge readers of this policy to similarly offer their support.

7. Welfare Statement

7.1 This statement has been developed with consideration to the strong community feeling expressed to the council about animal welfare. We aim, through this policy, to support the elimination of cruelty to animals, either by way of statutory control or, where we have no direct involvement, through working in partnership with other agencies.

7.2 This statement has been prepared in consultation with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and other relevant bodies. We sincerely request that readers of this statement support the aims of the society and other animal welfare organisations.

7.3 Domestic Animals

We would urge individuals and families not to underestimate the impact of taking a decision to have pets in their home. Any pets require time and care in order to ensure they remain happy, healthy, and able to exhibit normal behaviours. Our role in relation to domestic animals brings us in to close contact with many pets and their owners within the City. Through this work we will aim to support and reinforce welfare standards for domestic pets. Where owners fall below these standards, advice and guidance will be given and, in extreme circumstances, we will seek to take direct action ourselves or involve relevant partners, especially where any legal sanctions may be necessary.

Where we have a role in relation to licensing of establishments such as riding schools, boarding kennels or breeders, we will seek to apply conditions that promote and reinforce the welfare of animals.

7.4 Pet Shops

We will ensure that all pet shops in the city that sell pet animals are regularly inspected and conditions [within the premises meet the requirements of the guidance issued by Defra under the Animal Welfare \(Activities Involving Animals\)\(England\) Regulations 2018](#) which requires [minimum](#) standards of accommodation and treatment. [We will encourage pet shops to try to obtain a 5 star rating, providing the highest standard of welfare conditions for the animals in their care.](#)

We discourage the sale of pets during the month of December as we believe many pets are given as presents during this period. We also discourage the sale of rabbits during Easter. We would support any voluntary action taken by pet shops in this regard and at the least would like to see an increased level of checks and information being provided.

7.4.1. Puppies

We support government advice on the purchase of puppies. [Changes to legislation means that “Lucy’s Law” has been introduced, requiring that anyone wanting to buy a puppy must now buy direct from a breeder. Buyers must ensure they see the puppy in a home environment and interacting with its mother. The sale of puppies under 6 months old, in pet shops is no longer permitted,](#) as it does not allow for this interaction to be witnessed. There are currently no pet shops within the City authorised to sell puppies as a part of their inventories. [Any attempts to allow puppies to be added to pet shop inventories within Lincoln will be refused.](#)

Whilst we recognise and promote the need for high welfare standards in partnership with our pet shops, we often have little knowledge of private breeders. We strongly support the introduction of [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) which allows more effective controls for private breeders and

clarity over the licensable threshold with in-scope criteria including the breeding of 3 or more litters in a year (unless it can be shown that none of the puppies have been sold) and anyone breeding and advertising puppies for sale.

7.4.2 Control of Dogs and Cats

There are a number of charitable organisations working to protect the local population of cats and dogs and we will seek to work with and support such organisations wherever possible, and would encourage readers of this statement to do likewise. We recognise the importance of the Animal Warden role of the local authority and will continue to support and oversee, in partnership, this population to control issues relating to straying, aggression, nuisance and welfare. We continue to support the introduction of a microchipping scheme for dogs in order to help us and our partners effectively deliver our role, protect the public and animals. This requires owners to be registered on a national database. We will continue to target those owners who act in an irresponsible manner through education and enforcement.

There is an abundance of kittens either privately bred or available for rehoming from local charities, one of which has up to 400 cats available at any one time. We are opposed to the sale of kittens on a commercial scale and will therefore resist efforts to add cats or kittens to pet shop inventories during renewal and may refuse to grant new licenses. There are currently no establishments licensed for the sale of kittens. We do however believe that rescue centres and other relevant charities, where the sale of large number of animals may take place, should be required to hold a license so that standards can be monitored.

7.4.2 Non-Human Primates

Government guidance, the “Code of Practice for the Welfare of Privately Kept Non-Human Primates”, states that *“Primates should not be considered as pets in the accepted sense of the word: they are not species that can be treated as part of the family in the way that a cat or dog might be. They are wild undomesticated animals that cannot be house-trained or fully tamed.”*

Companion animals, such as cats and dogs, have been domesticated (selectively bred, over generations, for varying qualities and behavioural traits), to varying degrees, over thousands of years. Primates are wild animals that have not been subjected to this process.

Non-human primates are socially complex, intelligent and long-lived animals. The majority of species live in social groups which range in complexity. Non-human primates have the capacity to suffer pain and distress, with some species able to think and reflect. With this in mind it should be recognised that the capacity for suffering is especially significant as the potential for harm is heightened.

In order to provide adequate care for such species, significant space, knowledge, training, socialisation and time is required. We are opposed to these types of animals being kept, or sold, as pets within the City and would support a nationwide ban. We will resist efforts for these animals to be added to pet shop inventories within the City as their basic needs cannot be met within the environments available. We will refuse to grant licenses or renewals where these animals are within the inventory.

The Animal Welfare (Kept Animals) Bill is currently in the process of going through parliament. When introduced, it will require that in order to keep a Non-Human Primate that the keeper is licensed.

7.5 Importation of Domestic Animals and Wildlife crime

We believe that the importation of domestic animals for sale in this country can only be supported where an assurance can be given that they are captive bred or sustainably farmed, and transported, humanely. [Wildlife crime can have a devastating impact on endangered species as well as causing unnecessary suffering to the animals involved.](#) We would support stronger penalties for those who are convicted of bringing animals into this country either without adhering to quarantine regulations or by inhumane methods of transportation.

7.6 Animals as Prizes

As stated above, the decision to have a pet should be given due consideration, along with ensuring that the best quality of pet in terms of health and behaviour is acquired. It is because of this that we are opposed to the giving of any animals as prizes. We will not let (rent out) or allow council land to be used in connection with the giving of animals, including fish.

7.7 Performing Animals

We recognise that there is a strength of public feeling about performing wild and domesticated animals within a circus environment, this concern is shared by respected charities such as the RSPCA. The term wild animals is used to describe any vertebrate not normally domesticated within the United Kingdom. We continue to support a national ban on the [use of wild animals in circuses](#) and will not allow Council land to be let or used in association with performing animals.

We do also recognise that there is a difference in respect of domestically owned but showed or competing animals and we would not seek to prevent this type of activity. Nor would we seek to prevent the showing of birds of prey or other similar events.

Working animals play a key role in our communities in a range of roles. This policy does not seek to prevent this work.

We would furthermore support a ban on the use of non-domesticated performing animals in advertisements.

7.8 Wildlife

7.8.1 The Council is committed to protecting wildlife and their natural habitats within the City. Reports can be made to us about injured wildlife or intentional damage to habitats within the City. We encourage the public to play an active role in this and in caring for injured wildlife in the short-term and seeking help, as we know they already do.

7.8.2 There are a number of areas where nature thrives within the City, as well as within with designated Local Nature Reserve and area of Special Scientific Interest. We will respond to any concerns raised within these areas, in line with this overarching policy, and with additional consideration for the needs of the local area. Our commitment to protecting and enhancing the environment is enshrined within the City of Lincoln Local Plan, which states the aim to; *“safeguard and enhance both the natural environment and the historic built environment, so that the physical, social and economic well-being of future generations (and people living in other parts of the world) is not threatened.”*

7.8.3 Bees are not considered pests and we promote the need to maintain an urban environment that they can live within. Bees have significant importance to the environment, will rarely cause a nuisance, and will only sting when threatened. Anyone concerned about the location of a beehive, or its impact on safety, should contact local bee keeping organisations in the first instance, or can contact us for advice where it is considered that either the bees or public health is at risk.

7.8.4 The council will work with partners responsible for waterways to ensure effective protection for wildlife on Lincolns' waterways, and will support the investigation of any offences through the supply of intelligence or information to relevant statutory agencies

7.8.5 Blood sports are widely opposed by the public and we are opposed to the hunting of animals for pleasure. We will not allow Council land to be used for, or in connection with, this purpose. We do accept that there is a legitimate need, and at times a statutory duty, to control pests and vermin. Where this is necessary this must be done having consideration to the target pest, having considered the risks and potential wider impacts on wildlife, and use only the most humane methods. It should never be treated as sport.

7.8.7 Snares and Traps

We are opposed to the production, supply and use of snare or traps. It is known that these cause suffering to animals, and as such are not considered to be humane.

The exception is for cases of pest control, where traps may be the best available method. The use of glue/sticky traps is indiscriminate and cruel and we are opposed to the use of this method

7.8.7 Conflict between wild animals and people

Certain wild animals may at times be seen as a nuisance, or impact an economic activity. In these circumstances we will seek to identify solutions that deliver non-lethal options to reduce or remove the problem. Where this fails, some animals may need to be controlled by lethal methods, such as the use of poisons. However, this must always be done in a manner that is legal and conforms with CRRU¹ standards so that it is used effectively and only affects the target species. We are opposed to the use of poisons on anything other than small-scale use, including commercial sites, where there is any potential risk to wildlife. Where any such use is necessary, it is expected that the method adopted ensures the least amount of suffering possible.

7.9 Animal Furs

We are opposed to the sale and use of animal fur and would support a nationwide ban, along with calling on the media to refuse to advertise any such goods. We will work to support animal welfare groups opposed to this trade and will seek to work, as opportunity permits, with local retailers to ensure these goods are not offered for sale. We will not allow Council land to be let or used in relation to the sale of furs. We are of course strongly opposed to anything other than peaceful protest.

7.10 Animal Research and Testing

¹ <http://www.thinkwildlife.org/crru-code/>

The Animals (Scientific Procedures) Act was introduced in 1986 and amended in 2013, and we would support even further reform to ensure animals are protected from needless suffering. We are opposed to the use of animals to test cosmetics and household products, and we require all Council owned and funded institutions to ensure that all such products they purchase carry '[Leaping Bunny](#)' certification in the acquisition of new products, where such products are available and fulfil the operational requirement. The Council will not prevent the use of any established products. We encourage all designated animal research, testing and breeding establishments within Lincoln to sign up to the [Concordat on Openness on Animal Research](#) and to be open and transparent about the harms, limitations and benefits of animal experiments, while demonstrably ensuring that animal experiments are replaced or avoided wherever possible, numbers and suffering are reduced and welfare improved for as long as their animal use continues. We would also wish to see such facilities include independent members on their ethics committees and set up institutional policies not to conduct procedures that cause severe suffering for any purpose.

7.11 Factory Farming

We are opposed to 'factory farming' (where production methods ignore or pay scant regard to the health and welfare of the animals), in all forms and support more sustainable and compassionate methods of farming animals. We would support the following minimum measures being introduced: restriction of mutilation (other than to prevent greater suffering), a ban on the practice of beak trimming (including use of lasers), ban the export of live food animals.

7.12 Slaughtering

As above, we support a ban on the transportation of live animals for slaughtering however, in the absence of this we believe slaughtering should take place as near to where the animals are reared as possible, in order to reduce stress and ensuring that the animal is properly stunned first. We would furthermore support the introduction of mandatory CCTV within slaughterhouses.

7.13 Education

We strongly advocate the need for school education to include information about wildlife and the environment we live in. We call on all local educational providers to begin, or continue to include in the curriculum, animal welfare and wildlife conservation. We will ensure that those working in [the industry](#), where we have a licensing function, are suitably trained.

8. Dogs

8.1 Introduction

Dogs are a popular pet for many homes, with the [PDSA](#) estimating the population in the United Kingdom in 2020 at 10.1 million. The Council have a number of statutory roles and additional powers available in order to help manage this population. This policy area will cover the following aspects;

- Stray Dogs
- Lost Dogs
- Microchipping
- Dangerous Dogs
- Dog Fouling

8.2 Stray Dogs

The Council have a statutory responsibility for the collection of stray dogs, under the Environmental Protection Act 1990. Specifically, we are required to appoint an officer to oversee this element of the act. Upon the capture of a stray dog the Council will;

- Seize the dog

8.2.1 This will be done by experienced officers who will risk assess each individual incident. Additional equipment such as poles, bite protection suits or additional officer support will be made available, where appropriate, for potentially dangerous dogs. In extreme circumstances, Police assistance may be required. Every effort will be made to ensure the welfare of the animal however, public safety will be of primary concern.

- Make efforts to identify the owner (scan for a microchip, check for tags)

8.2.2 Officers will make every effort to contact the owners of dogs we find. We will scan for microchips and check collars and tags.

- Reunite with owners where possible, on the first occasion

8.2.3 We recognise the importance of returning pets to their families as soon as possible and will aim to do this as quickly as possible. It is important however to recognise that there is a cost to the collection of stray dogs, and for repeat offences, or occasions where the dog has to be kennelled, the council will charge these costs to the owner, along with a statutory fee.

- House, within the Council's designated kennels, where not reunited for the seven days required by law

8.2.4 The cost per day is recorded and revised annually within the Council's fees and charges. The Council will provide emergency medical care, at its discretion, but reserves the legal right to humanely destroy a dog in order to minimise suffering, where necessary and in consultation with a veterinary surgeon. Dogs in our possession will be kept in line with the Governments "Code of Practice for the Welfare of Dogs", this includes when they are kept under the terms of any contract we hold with a third party, who will be regularly inspected by officers of the Council.

- If not collected within seven days, we will pass ownership for rehoming to local partner organisations

8.2.5 The Council are legally required to retain dogs for seven days. Where dogs are not collected within this time period, or the required fees are not paid, we reserve the right to sell, give away or humanely destroy the dog. Where dogs are given or sold, this will be to an organisation, or individual, we believe will care appropriately for the dog. Generally, we will release the dog to a partner organisation to arrange for re-homing. Destruction is a last resort and will generally only happen where the dog is assessed as dangerous, or unwell. We will never give or sell a dog for the purposes of vivisection (animal experimentation).

- **In certain circumstances**, allow appropriate individuals (where they have found the dog) to care for them for a minimum period, and thereafter if no owner comes forward

8.2.6 The law surrounding strays allows for finders of stray dogs, where they are assessed as appropriate, to keep the dog, subject to providing their information to the local authority and to keeping the dog for a minimum period of 28 days. Within the period of 28 days, the owner may come forward to the Council, who will reunite them with their dog. After the 28 day period, ownership will transfer to the finder of the dog.

8.3 Lost Dogs

We will record all reports of lost dogs and any reports could help us to quickly reunite stray dogs with their owners.

8.4 Microchipping

The Microchipping of Dogs regulations were introduced in 2015, which made it a legal requirement to microchip your dog. Where we come across dogs, as a part of our daily duties, we will check that they are compliant with these regulations. Where dogs and their owners are found to be outside of these regulations, we will serve a legal notice requiring the dog be microchipped. Failure to comply with this notice is an offence and the Council may prosecute the offence and/or seize the animal to insert a microchip, which would be chargeable to the owner.

8.5 Dangerous Dogs

The Council are empowered, under a range of different Acts, to deal with aggressive, dangerous and out-of-control dogs. Where we receive any such reports, officers will undertake to investigate any offences, in partnership with relevant bodies, such as the Police. It is generally expected that the Police would investigate any criminal offence which leads to injury of a person, whilst we will investigate offences relating to injuries against other animals, or less serious offences. Often these offences can be important indicators of dogs that may need controlling before more serious incidents occur. We will seek to support any investigation undertaken by our partners and will use our own powers where appropriate, these could include control orders, legal notices or other forms of legal action.

8.6 Dog Fouling

Public land within the City of Lincoln is designated under the Dogs (Fouling of Land) Act 1996 and where offences are evidenced, a Fixed Penalty Notice will be issued, in line with the Council Fixed Penalty Enforcement Policy, for a first offence.

9. Animal Nuisance

- 9.1 The Council have a statutory duty to investigate offences relating to statutory nuisance, under the Environmental Protection Act 1990. This Act considers various elements relating to animals which may be *'prejudicial to health, or a nuisance'*. These offences can often relate to animals, either due to the noise or waste they can create, or the pests that they can attract. In these instances, and following informal attempts to abate the nuisance, an abatement notice may be used. In all circumstances below, the welfare of the animal, along with the impacts on the community, will be of paramount concern to officers.
- 9.2 With regards to fouling waste in gardens, officers will make assessments based on each individual case and will consider the following issues, so as to consider the existence of a nuisance, under the relevant legislation and supplementary guidance;
- the size and number of animal fouling waste deposits
 - the proximity of neighbouring properties and gardens
 - the size of the gardens
 - the time of year and impact of the smell, attraction of flies, frequency of use of garden areas etc
- (This is not an exhaustive or restrictive list of considerations)*
- 9.3 Noise issues in relation to animals will be handled in line with the Council's Noise Nuisance Policy, though additional consideration will be given to the welfare of the animals and we will make efforts to ensure its needs are being met. Conditions in notices may also require work specific to animals, such as training, making safe a garden or attendance of animal behavioural therapists. These will be at the cost of the owner.
- 9.4 Where animals are kept in a manner that is likely to be prejudicial to health, or a nuisance, or associated with their likelihood to attract pests or spread disease, the Council will seek to take immediate action. In these cases the Council may seek to issue notices requiring veterinary care, isolation, or removal of animals from particular premises. In more extreme cases the Council may seek a warrant in order to carry out relevant works. Where there is non-compliance, this would be chargeable to the owners, under the terms of the notice.
- 9.5 It is generally expected that those with pets have the facility to care appropriately for them and prevent a negative impact upon their neighbours and the community. Officers will seek to offer support and advice where appropriate, before considering enforcement action. However, where a statutory nuisance is identified, an abatement notice must be served if we are not confident the issue can be rectified.
- 9.6 On occasion animal issues in relation to fouling waste may not constitute a statutory nuisance, but may be evidenced to have had an impact on the quality of life of people within the local area. In these circumstances, the Council will consider action under the ASB, Crime and Policing Act 2014, where a Community Protection Notice may be served. These would contain conditions designed to eradicate or reduce the negative impact.
- 9.7 We will take a robust approach to prosecuting offences committed under the terms of an abatement notice, or any other offence committed under relevant Acts.

10. Horses (Includes an ass, mule or hinny)

10.1 Common Land

Lincoln City is perhaps unique in its abundance of 'Common Land'. This land is available for the use of the residents of the City and one such use is for the grazing of horses.

The licensing of horses on the common is subject to the provisions of the Council's Licensing Policy. Where horses are grazing on the common, we will investigate any concerns raised in relation to the welfare of the animals and seek to work with partners, such as the RSPCA, or local charities, to improve conditions where necessary.

Where horses are found on Common land without license, the Council will arrange for removal.

10.2 Unlawfully Tethered or Grazing Horses

The Control of Horses Act 2015 introduced controls on horses found to be unlawfully grazing on land. Subject to the relevant conditions within the Act, the Council can seize horses which we do not believe have the relevant permission from the landowner. We will take this action in response to complaints from landowners or where a risk to the public is identified. However, costs or responsibility may be passed to the landowner at our discretion.

The Highways Act 1980 also makes it an offence for a horse to be found grazing or laying on or by the side of a highway. In such circumstances the police have powers to remove to the owner or pound, and we will work to support partners in this process. Where we have the power to re-house any horses, this will only be done through third sector charitable organisations.

10.3 Riding Establishments

Part of our duties involve the licensing of riding establishments. This will be done in line with our Licensing Policy, which will ensure a good standard of welfare.

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11. Dangerous Wild Animals (DWA's)

- 11.1 The Dangerous Wild Animals Act 1976 defines which animals are considered as dangerous and/or wild. This Act requires the licensing of individuals in order to own (within a domestic setting) a dangerous or wild animal(s).
- 11.2 Individuals have the right to appeal the decisions relating to DWAs to the magistrate court.

12. Activities Involving Animals Licensing

12.1 Introduction

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 has given clarification on what should be considered as “in-scope” or “out of scope” with regards to all Animal related business, be that a shop or a private residence and covers the internet sales of animals.

Guidance is available from Defra with regards to dog boarding kennels, home boarding, dog day care, selling animals as pets, riding establishments, catteries, breeding of dogs and the keeping or training of animals for exhibition and this guidance must be followed to the minimum welfare standards in order for a license to be issued. If the minimum standards are not met, the application for the license will be refused.

Any licenses issued within the City will be done so in line with our Licensing Policy and with regard to the welfare statement within this policy. Licenses may be revoked or suspended if standards are not being met. This may be appealed to a First Tier Tribunal.

12.2 How to Apply

New applications for an Animal Activities Licence should be made by contacting the Public Protection and Anti-Social Team either by phone or online at www.lincoln.gov.uk/licences/request-licence-application-form. A fee is chargeable, which will be set as a part of the Council's annual fees and charges and will be available on the website.

Applicants for an Animal Activities Licence, the designated manager and staff employed by the business will be required to demonstrate that they are competent to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent pain, suffering, injuries, disease or abnormal behaviour. Animals must be handled and cared for by staff who possess the appropriate ability, knowledge and professional competence. This can be demonstrated by holding an OFQUAL regulated Level 2 qualification that is appropriate to the species kept, by having undertaken relevant industry recognised training or an in-store training programme or based on experience.

Persons who may not apply for a licence are listed in Schedule 8 of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

12.3 Refusal of Licences

We reserve the right to refuse to grant licences to individuals we do not believe to be fit and proper, should we be aware of any previous relevant offences, or who refuse to comply with the principles of this over-arching policy, including the welfare statement.

Individuals have the right to appeal this decision to the magistrate's court.

12.4 Licence Conditions

The Council will issue licences containing conditions that are designed to promote the welfare of animals, and [promote responsible pet ownership](#). Conditions will be developed in line with the [guidance issued by Defra, encouraging businesses to strive to reach the highest possible standards of care](#).

Conditions will relate to the following areas;

- [Licence Display](#)
 - [Records](#)
 - [Use, Number and Type of Animal](#)
 - [Staffing](#)
 - [Suitable Environment](#)
 - [Suitable Diet](#)
 - [Monitoring of Behaviour and Training of Animals](#)
 - [Animal Handling and Interactions](#)
 - [Protection from Pain, Suffering, Injury and Disease](#)
 - [Emergencies \(including fire and escape of animals\)](#)
 - [Specific Conditions relating to the Licence that has been applied for.](#)
-
- [Dangerous Wild Animals \(as designated under the Dangerous Wild Animals Act 1976 and amended in 2010\)](#)
-
- [Zoo Licensing Act 1981 \(as amended\)](#)

12.5 Inspections

Each [business](#) will receive an inspection (without notification) from [an Inspector authorised by the City of Lincoln Council](#). Reptile stockists will also be inspected by a specialist zoologist [veterinary surgeon](#) who is able to offer advice on the various species stocked.

[An Inspector](#) may conduct additional inspections throughout the year either as a part of regular duties, or in response to any complaints from members of the public. Any obstruction or delays intentionally caused to [an Inspector](#) will be prosecuted under the relevant Act.

12.6 Licence Period

Licences will be granted [by following the risk scoring matrix and Animal Activities star rating system in the guidance for Local Authorities issued by Defra](#) .

12.7 Complaints

Upon receipt of a complaint in relation to [a business](#), [an inspector will visit and assess the situation, consulting, if necessary, with a veterinary surgeon](#). Where persons are found not to comply with the terms of their licence, [we may use the powers provided under the](#)

Regulations to suspend or revoke a licence. If the Inspector is of the opinion that there is a failure to ensure the welfare of an animal, then an improvement notice may be served on the person failing to comply. If the improvement plan is not followed and a shop continues to fall below the standards set within their licence, we will seek to use our legal powers to remove the licence and prosecute any offences.

Pets should not be sold to anyone under the age of 16 and we may take action to enforce any breaches of this provision.

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13. Publicity

- 13.1 We are committed to promoting positive messages about pets, animals, and wildlife, and will work closely with partner organisations or local community groups who wish to play an active role in this area.
- 13.2 Where positive action is taken by [the Council](#) in relation to any of the issues covered by this policy we will seek, where appropriate, to publish these interventions in order to further educate the public and deter offenders.

14. Service structure

- 14.1 The Directorate of Communities and Environment holds responsibility for all animal related matters including civil and criminal investigations, along with the licensing of all animal related establishments.
- 14.2 The Public Protection and Anti-Social Behaviour service will be responsible for criminal and civil investigations into any of the areas covered by this policy, with the exception of some licensing functions and landlord responsibilities relating to wildlife.
- 14.3 [The Licensing team will be responsible for issuing and managing licenses in respect of dangerous wild animal licences.](#)

15. Going to court

- 15.1 Where cases do reach the stage that court action is required it is recognised that this can often be difficult for many complainants or witnesses. These stages often require the victims or witnesses to reveal their identity in court and to the alleged perpetrators. We are committed to providing relevant and appropriate support which can include
- victim support;
 - evidence via video link;
 - evidence from behind screens;
 - submission of hearsay evidence (not possible in all cases);
 - target-hardening (panic alarms etc).

16. Support for victims and witnesses

- 16.1 Some cases dealt with under this policy may be generated by public complaints and may involve single or multiple victims and witnesses.
- 16.2 Subject to resources and/or the availability of external support, the needs of the individual, their known vulnerabilities and the circumstances of the case, we will offer support to victims and witnesses during the life of the case. We will also offer support for a period after a case has been closed if, again, the circumstances, resources, and the individual's needs and known vulnerabilities suggest that that is necessary.

17. Support for perpetrators

17.2 While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or suffering from an illness or condition. We acknowledge our responsibilities under the Equality Act 2010 and will seek to identify and offer, or direct to, support for those who have protected characteristics or are otherwise identified as vulnerable perpetrators. As part of our internal processes we will carry out assessments to identify any indicators of vulnerability, disability, mental illness or addiction, which may affect the perpetrator's behaviour. Indicators might include:

- information that the perpetrator has a diagnosed condition, disability or illness;
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider;
- a person's inability to read or write;
- their housing history and any links with the care system or supported housing provision;
- observing behaviour that may indicate a degree of vulnerability, disability or mental illness such as hoarding, erratic behaviour, unpredictability, paranoia etc.

18. Closing cases

18.1 Cases will only be closed following contact with the complainant unless reasonable effort has been made to contact the victim with no success. Cases may be closed without agreement, however complainants should be advised as to how they can challenge this decision by writing to the next most senior officer, to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter, if an individual remains **unsatisfied** they can use the Council's complaints procedure.

18.2 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence to support their allegations.

19. Seeking complainants'/victims' views

19.1 Following closure of a complaint relating to animals, complainants/victims will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

20. Oversight

- 20.1 Operational oversight of individual cases will be provided by the line manager responsible for the officer in charge of that particular case. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.
- 20.2 Corporate oversight of these services will be discharged by the Public Protection and ASB Manager who will have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. This officer will also represent the council in respect of local, regional or national animal related matters.
- 20.3 Strategic oversight of licensing functions will be discharged by the Assistant Director for Health and Environment
- 20.4 Leadership, along with overarching responsibility, will be provided by the Strategic Director for Communities and Environment.

21. Information sharing

- 21.1 We respect individuals' rights to privacy and will adhere to all relevant legal principles in relation to information sharing and document management. We will update complainants of any action we take in response to their complaints, where this is not legally privileged information. We will not disclose details of complainants unless required to do so by law. There may be cases, for example when individuals complain about their neighbours, which carry a risk that people may suspect they know the source of complaints, this will be outlined to the complainant. Where serious cases progress to court, it will generally be necessary for people to provide evidence which would identify them and this will be explained to the complainant.
- 21.2 Our privacy statement sets out how we use your information and can be found at www.lincoln.gov.uk/privacy-notice/privacy-notice-services

22. Legal framework

- 22.1 This document has been drafted in compliance with/with consideration of the following Acts:
- Human Rights Act 1988
 - Data Protection Act 2018
 - UK General Data Protection Regulations
 - Equality Act 2010
 - Environmental Protection Act 1990
 - Animal Welfare Act 2006
 - Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - Lincoln City Council Act 1985
 - Dangerous Dogs Act 1991
 - Dangerous Wild Animals Act 1976
 - ASB Crime and Policing Act 2014

23. Relevant policies/published documents

23.1 Policies/published documents which may be relevant to the application of this document are:

- Guidance issued by Defra for the Licensing of Animal Activities
- Code of Practice for the Welfare of Dogs
- Code of Practice for the Welfare of Cats
- Code of Practice for the Welfare of Horses
- Model Conditions for Pet Vending Licensing
- Circus Animals Regulation Guidance
- Code of Practice for the Welfare of Privately kept Non-Human Primates
- ASB, Crime and Policing Act statutory guidance
- City of Lincoln ASB Policy
- City of Lincoln Fixed Penalty Enforcement Policy
- City of Lincoln Safeguarding Policy
- Lincolnshire CSP ISA

24. Monitoring/Review

24.1 This policy will be reviewed biennially.

25. Policy tracker

Policy tracker				
Author	Responsible Director	Responsible Portfolio Holder	Version	Date implemented
Francesca Bell Public Protection and ASB Manager	Simon Walters Director Communities and Environment	Cllr Sue Burke Reducing Inequality	2.0	

SUBJECT:	UPDATED NOISE POLICY
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCECSA BELL – PPASB & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Policy Scrutiny Committee members on the revised noise nuisance policy.
- 1.2 To seek the views of the Policy Scrutiny Committee on the revised policy prior to its consideration by the Executive.

2. Executive Summary

- 2.1 The City of Lincoln Council have a statutory function in relation to the investigation of ‘statutory nuisance’ as defined in the Environmental Protection Act 1990. The Council frequently receives enquiries relating to noise, and thus having a clear policy in relation to assessing statutory nuisance is vital.
- 2.2 Attached to this report is a revised and updated version of the Council’s Noise Policy.

3. Background

- 3.1 In 1990 the Environmental Protection Act (EPA 1990) came into force, and included within it was a specific reference to noise amounting to a statutory nuisance. This Act provided local authorities with additional and specific powers to tackle noise nuisance.
- 3.2 The City of Lincoln Council have long since held a function in relation to dealing with statutory nuisance which arises from excessive noise. This function has been discharged by the Council’s Public Protection and Anti-Social Behaviour (PPASB) service.
- 3.3 The Council’s Noise Policy was last revised and updated in 2016 following the introduction of the Anti-Social Behaviour Crime and Policing Act 2014 which specifically complements statutory nuisance and noise investigation legislation.
- 3.4 This review has been done as a required update and does not include any specific or significant changes to legislation, case law or approach.

4. The revised Noise Policy

- 4.1 The revised policy can be found attached as appendix A. There have been some minor adjustments made to the policy, as can be seen in the attached documents.

- 4.2 It has been updated to reflect changes in the council's priorities.
- 4.3 It has removed obsolete guidance which has been revoked in relation to alarms sounding and provides further guidance in relation to the silencing of internal and external alarms.
- 4.4 Finally, it includes minimal amendments in relation to changes in Data Protection legislation.

5. Strategic Priorities

- 5.1 Let's drive inclusive economic growth
Noise nuisance can relate to commercial activities and it is important that the Council are aware of and support business through effective and considerate regulation
- 5.2 Let's reduce all kinds of inequality
Much like anti-social behaviour, noise nuisance can disproportionately affect those most vulnerable within our communities. This policy ensures the Council's response is relevant and effective.
- 5.3 Let's deliver quality housing
This policy relates to all tenures of property including our own council stock and so ensure that the housing we provide is safe and offers a good quality of life.
- 5.4 Let's enhance our remarkable place
Ensuring that residents feel safe and are free from anti-social behaviour and crime helps to enhance our remarkable place.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

There are no significant financial impacts associated with this policy. However legal challenge may result in legal expenses.

6.2 Legal Implications including Procurement Rules

This policy enables the Council to fulfil its statutory obligations in taking reasonably practicable steps to investigate complaints of nuisance within its boundary. This may result in legal proceedings, and this has an impact on both the PPASB and legal teams' resources.

6.3 Equality, Diversity and Human Rights

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

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

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

This policy seeks to ensure that both equality and diversity are considered at the point of a service request being made and throughout the enforcement process. The policy serves to ensure that no-one is unfairly impacted and that the service can be accessed by all.

The equality, diversity and human rights impacts have been reviewed and it is not thought necessary to complete an Equality Impact Assessment as each time the policy is implemented, any such impact is considered.

6.4 **Human Resources**

There are no HR implications of this policy.

6.5 **Land, Property and Accommodation**

There are no land, property or accommodation implications.

6.6 **Significant Community Impact &/or Environmental Impact**

There are no significant community or environmental implications.

6.7 **Corporate Health and Safety implications**

Employees investigating noise may be lone workers and may face confrontational situations. These risks are identified and managed via both written and dynamic risk assessments. Training, elimination and reduction of risk and Personal Protective Equipment are all provided to manage the risks posed.

7. **Risk Implications**

7.1 **(i) Options Explored**

No further options explored

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

This policy seeks to reduce risks associated with noise nuisance.

8. **Recommendation**

- 8.1 That the Committee considers and provides any comments on the policy and refer to Executive.

Is this a key decision?

No

Do the exempt information categories apply?

No

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

No

How many appendices does the report contain?

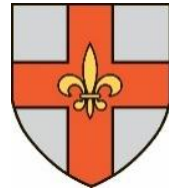
One

List of Background Papers:

None

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CITY OF
Lincoln
COUNCIL

Noise Nuisance Policy

CITY OF LINCOLN COUNCIL

NOISE POLICY

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1. Vision

To provide an effective, trusted, fair, and consistent service which is accessible for all residents of Lincoln.

2. Policy summary

Service commitments	
Our response	
Making a complaint	We will assess the level of risk to each victim
Recording of complaint	We will record all complaints consistently and securely
Investigation of complaints	We will investigate reports of noise nuisance without bias and clearly communicate actions and/or intentions to victims/witnesses
Tools and powers	We will use our powers proportionately and incrementally with a focus on long term resolutions to noise nuisance
Going to court	We will support victims and witnesses through the process
Closing cases	We will close cases if no further contact has been made by the complainant. Where the case has progressed beyond initial letters we will consult with the complainant prior to closure.

Seeking your views	We will seek views from all who engage the service in order to improve the service
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3. Introduction

- 3.1 Noise nuisance has been complained of and dealt with throughout the 20th century. Originally dealt with through common law and on the periphery of other legislation in the 1980's the government began to legislate more rigorously against noise in statute law. In 1990 the Environmental Protection Act (EPA 1990) received royal ascent, and included within it was specific reference to noise amounting to a statutory nuisance. Whilst other Acts give reference to noise nuisance such as; the Noise Act 1996 and the Control of Pollution Act 1974 (COPA 1974), to date the EPA 1990 is still the most appropriate legislation for the majority of noise complaints.
- 3.2 In addition to the above, specialist areas such as noise from construction sites, Code of Practice for Ice Cream Chimes and Code of Practice for Concerts are contained within the COPA 1974. Some codes of practice are issued by the Chartered Institute of Environmental Health (CIEH) and should be given consideration. Other British Standards deal with noise in respect of the planning process and acceptable noise levels to be achieved in terms of sound insulation inside buildings. The World Health Organisation also issues guidance on noise levels particularly with reference to sleep disturbance criteria. All these aspects are considered as a part of this policy, and throughout investigatory processes.
- 3.3 Under the EPA 1990 statutory noise nuisance is described as noise that 'materially affects the use and enjoyment of a person's property or is prejudicial to health'. The Council must consider a number of factors during investigations such as; the level of noise; the type of noise; the duration of the noise; the frequency of events and the times that events occur.
- 3.4 The legislation, and the Councils' Policy, is intended to protect victims of unreasonable noise but should not be used to place unreasonable restrictions on reasonable people.
- 3.5 In 2014 the Anti-Social Behaviour, Crime and Policing Act received royal ascent. This carries tools and powers that can also be used to tackle noise nuisance and these will be considered in appropriate cases however, where a nuisance is established, appropriate action should and will be taken under the EPA 1990.
- 3.6 The City of Lincoln Council (hereafter referred to as we/us/our) and its partners recognise the impact of noise nuisance on victims, and that the most effective resolution is to effectively deal with and stop the behaviour. This policy also recognises that each victim is different and that noise nuisance can affect people in different ways and to differing extents, particularly where the victim may be vulnerable or feel as though they are targeted for a particular reason.

4. Aims

4.1 By way of implementation of this policy, and subsequent service delivery, we aim to provide an environment where those living within the city of Lincoln do not suffer noise nuisance, and show confidence in our multi-agency response.

4.2 The aims of this Policy and subsequent service delivery are to;

- respond to complaints promptly (against established targets, to be reported to elected members)
- determine the most appropriate approach based on evidence
- provide effective enforcement
- support and reassure victims
- resolve noise nuisance where possible
- provide a consistent response to noise nuisance

The council's vision 2025 priorities are as follows;

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

5. Scope of this policy

This policy applies to all people living within the City of Lincoln Council's boundaries. Every reasonable effort should be made to ensure that all persons have equal access to the service.

6. Policy statement

6.1 This policy is designed to inform members of the public what they can expect from us in terms of its handling and response to issues of noise nuisance.

6.2 This policy also makes clear the type of behaviour that can be effectively tackled as noise nuisance.

6.3 Whilst we recognise our differing roles, both as a landlord and a local authority, this policy sets out clearly the standards of service that all can expect in response to reports of noise nuisance. Where additional provision is made for council tenants, due to their relationship with us as their landlord, this will be clearly stated.

- 6.4 We also acknowledge our role as a part of a wider partnership with responsibility for tackling noise nuisance alongside key partners, including the Police, Social landlords, University of Lincoln and others. Where appropriate we will support and work with key partners to deliver projects designed to reduce the impact of noise nuisance on our residents.
- 6.5 Issues relating to; safeguarding; domestic abuse; mental health; lack of community cohesion; violence and extremist views can often be present in relation to noise nuisance, and therefore services are acutely aware of, and actively involved in, partnership working to tackle these issues.

7. Publicity

- 7.1 This document will be published, on our website. Residents of Lincoln will be informed of the existence of this policy through local media along with our own publications such as 'Your Lincoln' or 'Home' magazine. Alternative formats will be made available on request, from the Public Protection and Anti-Social Behaviour Team, City Hall, Beaumont Fee, Lincoln, LN1 1DD, 01522 873378 or email: ppasb@lincoln.gov.uk
- 7.2 We will take an active approach to publicising action taken in response to noise nuisance, where this presents no risk to individuals involved and is deemed of benefit to the wider community.

8. Service structure

- 8.1 Our response to noise nuisance is managed through both the Directorate of Communities and Environment (DCE) and the Directorate of Housing and Investment (DHI). The DCE is responsible for the corporate public protection and anti-social behaviour service (which holds general responsibility for the authority's response to noise nuisance). Whilst the DHI is responsible for housing services, which is responsible for the management of council housing tenancies and stock.
- 8.2 We have a statutory responsibility to work with others to tackle crime and disorder in our local area, along with a range of tools and powers available to the Council to deal directly with noise nuisance issues. We have a wide remit in relation to this which not only involves directly responding to complaints from members of the public, but also a responsibility to inspect our district for nuisance from time to time.

8.3 We also have a clear role in our capacity as a landlord. There are currently around 7,800 properties in the city owned and managed by us in our capacity as a social landlord. Our relationship with tenants is covered by a tenancy agreement, which contains conditions relating to individuals' behaviour, both within and in the immediate vicinity of their property; and is an additional tool which can be applied to the most serious cases of noise nuisance. This policy ensures a risk-based approach to dealing with noise nuisance.

9. What is Noise nuisance?

9.1 Noise nuisance is defined as noise that 'materially affects the use and enjoyment of a person's property or is prejudicial to health'. The noise must arise on one person's property and affect another person's property. Therefore, the legislation does not allow for the complainant and perpetrator to be of the same household. The noise must usually be of a repetitive nature however, in some circumstances where the noise is so severe, a one-off event may constitute a statutory noise nuisance. Noise must normally be evidenced and assessed by a trained and authorised officer, in order for the council to take action.

9.2 In understanding and interpreting the definitions of noise nuisance, we must be realistic and proportionate in the action we take, and the scope of complaints we deal with. Community or individual tolerance is recognised as a contributor to complaints and the expectation for local authorities and partners to respond to behaviours that may not fit with individual lifestyles, or community expectations, can be significant. Our officers need to have the confidence to challenge perceptions that certain behaviour constitutes noise nuisance where they feel complaints may be unreasonable. However, this must be done sensitively and in consultation with the victim (complainant).

9.3 Noise nuisance may include, but is not exclusive to:

- loud music
- loud T.V
- shouting
- singing
- banging
- barking dogs
- crowing cockerels
- other animal noise
- the use of musical instruments
- low frequency noise
- DIY/Construction noise done at unreasonable times
- industrial noise
- noise from licensed premises
- noise from machinery
- car or house alarms sounding

Noise nuisance is not:

- children playing at reasonable times
- babies or small children crying
- noise from pedestrians passing by
- isolated gatherings or single noise incidents
- temporary works or DIY home improvements when carried out within reasonable times
- everyday reasonable living noise
- noise from moving traffic
- noise from RAF/MOD aircraft
- road or rail works carried out as urgent repairs or as part of a wider scheme where reasonable steps to use best available techniques are being observed.
- poor sound insulation between properties rather than unreasonable behaviour by a neighbour

9.4 We will make individual assessments of each case, and the above should be taken as a guide only.

10. Our response to noise nuisance and recording of reports

10.1 We are committed to providing all people living within the City of Lincoln with a high standard of service as follows.

10.2 What people reporting noise nuisance can expect of us

Subject to consideration of 9.3 above, everyone making a complaint of noise nuisance can expect us to:

- take the matter seriously;
- explain what we can do and what we cannot do;
- deal with the matter in accordance with this policy statement and its associated operational procedures.

10.3 What we expect of people reporting noise nuisance to us

If someone reports noise nuisance to us and we believe that it is within the scope of noise we are able to investigate, we require the co-operation of complainants. This involves providing, as best they can, evidence of the noise nuisance and details of how it affects them over a period of time, on the understanding that, without evidence, it will be very difficult to secure a successful outcome to their complaint.

10.4 Making a report of noise nuisance

Complaints of noise nuisance may be reported to us in a variety of ways, including:

- in writing by letter or email;

- in person at any of the council's offices;
- by telephone during the day;
- in person to front line staff such as Customer Services Assistant and housing officers;
- to caretakers and other site-based staff.
- on-line at www.lincoln.gov.uk

10.5 All persons making a report of noise nuisance will be subject to an initial risk assessment. This assessment is completed for the following reasons:

- to understand the regularity of noise nuisance;
- to understand the individual's circumstances and the impact this may have (would they be considered as vulnerable?);
- to understand if the case may link to a hate crime;
- to enable us to react correctly, according to the type and severity of the incident being reported.

10.6 Where individuals are identified as carrying a high level of risk, a full risk assessment will be completed which will make a more detailed assessment of the above factors. This assessment will produce a score that will guide the officer in charge in relation to their handling of the case. High risk victims must be referred immediately to our Anti-Social Behaviour Risk Assessment Conference (ASBRAC), a partnership group dealing with the most serious cases of ASB across Lincoln.

10.7 All reports across the authority will be logged on a single system (Authority Public Protection or 'APP', or the preferred/updated system in use at that time) to ensure that officers are aware of full histories relating to particular complaints. Every complaint made to us will carry a unique reference number, which will be quoted on all correspondence, along with having a stated single officer in charge throughout the duration of the case. This person will be made known to the complainant and they will be given the contact details of the lead officer.

10.8 Where persons are assessed as 'high risk', along with automatic referral to the ASBRAC, the case must also be placed on ECIN's (or the preferred/updated system in use at that time). This system is accessed by relevant partners who have a role to play in tackling anti-social behaviour and it ensures that those responding to complaints have access to information they may require. Records will be held and disposed of in accordance with our retention and disposal policy.

11 Investigation of reports

11.1 We will approach all reports without bias or preconception. Investigations of complaints may involve the sharing of, or access to, partner information relating to the individuals or complaint. Investigatory techniques may include

- diary sheets (to be completed by the complainant);

- assessment of police/partner incidents/information;
- visiting all parties;
- interviewing witnesses/complainants/perpetrators;
- conducting 'letter drops' for corroborating information;
- patrols;
- covert/overt monitoring;

11.2 Things we generally cannot do include

- acting without any evidence;
- immediately evicting people from their homes (except for cases of the utmost severity, where closure orders may be used)
- move victims of noise nuisance (unless clear risk is identified)
- install CCTV on-street or in homes (only in cases of the utmost severity and where we have the power to do so under relevant legislation)

11.3 Where action cannot be taken the complainant will be informed and given advice regarding any further options available to them.

11.4 The complainants will be kept up to date throughout the course of the investigation and will be consulted prior to action being taken.

11.5 If an alleged perpetrator makes counter-allegations against the original complainant, a separate case will be opened and investigated accordingly.

11.6 Where the subject of the complaint is a council tenant the housing officer will investigate in the first instance. The housing officer may at a later date ask for the complaint to be investigated by the PPASB Team in order that further evidence can be obtained. Any subsequent action will be taken in consultation with the housing officer so that where appropriate action can be taken against the tenancy in order to ensure the best outcomes for the victim, along with a coordinated approach.

11.7 On receiving a complaint we will, where appropriate, and with the details and consent of the complainant, write to the complainant detailing our response and requiring a diary to be completed. We will also write to the person who is the subject of the complaint, or representing the organisation that is the subject of the complaint, outlining the nature of the complaint and advising of what action the council may take, should we establish a statutory noise nuisance in line with this policy. It is made clear to complainants at the outset of making a complaint that if they do not complete and return the diary sheet that it is unlikely that any further action will be taken, and that the case may be closed without prior notice. Should they not contact us again about the same issue no action will be taken without the evidence base completed. This is made clear in the initial letter. The subject of the complaint is advised in the initial letter that investigation of the complaint may involve monitoring of the noise either by council officials and/or the use of monitoring equipment, this is in line with this policy and relevant legislation.

11.8 Anonymous complaints

We are generally unable to accept complaints of an anonymous nature due to the requirement to obtain evidence from the complainant in order to legally demonstrate a nuisance. The council will not take action based on anonymous complaints.

11.9 Return of diary sheets

Where a completed diary sheet is returned, the investigating officer will assess the diary and advise the complainant of the next steps. This may include;

- Monitoring being undertaken
- Further diaries being requested
- Visits to the complainant or subject
- Reviewing other agencies information
- Closure of the case

In all circumstances, the complainant will be advised of the next steps.

11.10 Monitoring

Where monitoring is necessary this will be offered and arranged in a timely manner. During periods of high demand there may be a wait for equipment; complainants will be advised of this and the likely implementation date. Monitoring equipment will generally only be offered a maximum of twice. If the monitoring equipment does not provide suitable evidence for us to progress the case the complainant will be advised of this and the case may be closed unless the situation materially changes. We have to balance our duties, the needs of victims and an individual's right to privacy. This fulfils the Council's statutory duty to investigate under the relevant legal provision, ensures our resources are appropriately utilised and provides protection for an individual's privacy and freedoms.

11.11 Service of notices

Where the evidence collected through monitoring is deemed by the council to constitute a statutory noise nuisance the council shall serve a noise abatement notice. Where a nuisance is not established, but we have evidence to suggest an individual's quality of life is being affected, we may consider use of other appropriate powers. The notice shall be served in accordance with the relevant legislation.

11.12 Appeal of notices

Appeals must be made directly to the magistrates' court. Details of how to appeal a legal notice will be contained within the notice.

11.13 Breach of notice

Where we receive complaints that a legal notice is not being complied with, we will take steps to investigate the complaints. This may include but is not exclusive to;

- asking the complainant to keep diaries,
- sending warning letters to the subject,

- undertaking monitoring,
- interviewing the subject,
- involving landlords,
- reviewing other agencies information,

Where the council is satisfied that a legal notice is not being complied with the council may,

- apply to the courts to seize equipment
- complete works in default
- prosecute the responsible persons
- offer formal cautions
- seek to utilise additional powers such as Injunctions or Closures

12. Noise falling outside of the standard procedure

12.1 Complaints made about the following issues may be subject to alternative measures and/or processes;

12.2 Alarms currently sounding – see appendix 1

12.3 Licensed premises – Shall be dealt with in line with the policy with the addition of the initial letter containing licencing obligations and warning of the various penalties that they may face in relation to their premises licence.

Noise is currently an area for statutory consultation on all licence applications, variations and Temporary Event Notices. These consultations will be undertaken in line with our ‘Statement of Licensing Policy’.

12.4 Permitted processes – The permitting authority will be consulted and where appropriate a joint approach will be taken.

12.5 Noise arising outside of the City of Lincoln Council Boundary – Where the noise is affecting our residents we will investigate the noise and will consult with and update the subject’s local authority accordingly.

12.6 Primary Authority – Where a complaint is received about a business with a primary authority covering noise we will advise and provide information as requested by the primary authority.

12.7 Planning – Where a noise is being caused by an action or activity restricted by means of planning conditions the Planning Enforcement officer will be notified and the most effective tools and powers used.

Noise is an area of consultation for planning applications. Considerations, recommendations and final decisions will be made in line with the National Planning Policy Framework (NPPF) and the Local Plan regarding noise from proposed development.

13. Tools and powers

- 13.1 The legislation governing statutory nuisance from noise is found in part III of the Environmental Protection Act 1990. This is the piece of legislation used in the vast majority of noise cases.
- 13.2 Section 79 of the Act includes "noise emitted from premises so as to be prejudicial to health or a nuisance" in the list of matters which constitute statutory nuisances.
- 13.3 The Council is under a duty to inspect its area from time to time to detect statutory nuisances and, when a complaint has been made, to take such steps as are reasonably practicable to investigate the complaint.
- 13.4 Where a Local Authority is satisfied that a nuisance exists, or is likely to occur or recur, it must then serve an Abatement Notice requiring the abatement, or prohibiting the occurrence or recurrence, of the nuisance.
- 13.5 Section 82 gives a complainant the right to go directly to a Magistrates' Court if s/he feels he is being aggrieved by a statutory nuisance whether or not he has previously complained to the Local Authority.
- 13.6 Various other pieces of noise legislation are available (e.g. Control of Pollution Act 1974, Noise Act 1999) to deal with specific noise issues.
- 13.7 Anti-Social Behaviour, Crime and Policing Act 2014 deals with some noise issues through the provision of a Community Protection Notice (CPN). It also gives additional powers to close properties in circumstances where severe and repeated noise nuisance or disorder is occurring, has occurred and/or is likely to reoccur
- 13.8 The action taken may include but is not exclusive to the following;
- Warnings;
 - Statutory notices;
 - Community protection notices;
 - Criminal behaviour orders;
 - Closure orders;
 - Mediation;
 - Injunctions;
 - Victim advocacy services;
 - Acceptable Behaviour Contracts;
 - Neighbour Agreements;

For council tenants (dependent upon the severity) the following options are also available:

- Application to the county court for an outright possession order, leading to eviction;
- Application to the county court for a suspended possession order;
- Application to the county court for a demotion of the tenancy to an introductory one;
- Introductory tenancy extension.

14. Going to court

Where cases do reach the stage that court action is required it is recognised that this can often be difficult for many complainants. These stages often require the victims or witnesses to reveal their identity in court and to the alleged perpetrators. We are committed to providing relevant and appropriate support which can include

- victim support;
- evidence via video link;
- evidence from behind screens;
- submission of hearsay evidence (not possible in all cases);
- target-hardening (panic alarms etc).

15. Support for victims and witnesses

Subject to resources and/or the availability of external support, the needs of the individual, their known vulnerabilities and the circumstances of the case, we will offer support to victims and witnesses during the life of the case. We will also offer support for a period after a case has been closed if, again, the circumstances, resources, and the individual's needs and known vulnerabilities suggest that that is necessary.

16. Support for perpetrators

While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or suffering from an illness or condition. We acknowledge our responsibilities under the Equality Act 2010 and will seek to identify and offer or direct to, support for those who have protected characteristics and otherwise vulnerable perpetrators of noise nuisance. As part of our noise nuisance process we will act upon any indicators of vulnerability, disability, mental illness or addiction, which may affect the perpetrator's behaviour. Indicators might include:

- information that the perpetrator has a diagnosed condition, disability or illness;
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider;

- a person's inability to read or write;
- their housing history and any links with the care system or supported housing provision;
- observing behaviour that may indicate a degree of vulnerability, disability or mental illness such as hoarding, erratic behaviour, unpredictability, paranoia etc.

17. Closing cases

- 17.1 Where a complainant has not returned a completed diary sheet then complaints will be closed without further contact with the complainant, this will be made clear upon initial receipt of the complaint as this is a necessary part of the investigative process.
- 17.2 Where a completed diary has been returned cases will only be closed following contact with the complainant, unless reasonable effort has been made to contact the victim with no success. Cases may be closed without agreement; however complainants should be advised as to how they can challenge this decision by writing to the next most senior officer to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter if an individual remains dissatisfied they can use the Council's complaints procedure.
- 17.3 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence of the noise nuisance.

18. Seeking complainants'/victims' views

Following closure of a complaint of noise nuisance, complainants/victims will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

19. Oversight

- 19.1 Operational oversight of individual cases of noise nuisance will be provided by the line manager responsible for the officer in charge of that particular case. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.

- 19.2 Corporate oversight of noise nuisance will be discharged by the Assistant Director for the service area. The Public Protection and ASB Manager will have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. Either the Assistant Director or PPASB Manager will also represent the council in respect of local, regional or national noise nuisance matters, depending who is available
- 19.3 Leadership and strategic oversight will be provided by the Director and Assistant Director for the service area.

20. Information sharing

- 20.1 Generally, the information-sharing activities conducted in response to community safety issues, such as noise nuisance, will be delivered in line with the requirements laid out within the Lincolnshire Community Safety Partnership Information Sharing Agreement, to which the council is a signatory.
- 20.2 We respect individuals' rights to privacy and will adhere to all relevant legal principles in relation to information sharing and document management. We will update complainants of any action we take in response to their complaints, where this is not legally privileged information. We will not disclose details of complainants unless required to do so by law. In cases of noise nuisance, the risk that people may suspect they know the source of complaints will be outlined to the complainant. Where serious cases progress to court, it will generally be necessary for people to provide evidence which would identify them and this will be explained to the complainant.
- 20.3 Our privacy statement sets out how we use your information and can be found at www.lincoln.gov.uk/privacy-notice/privacy-notice-services

21. Legal framework

This document has been drafted in compliance with the following Acts:

- Environmental Protection Act
- Human Rights Act 1988
- Data Protection Act 2018
- Equality Act 2010
- Housing Act 1985 (as amended)
- Housing Act 1996
- Crime and Disorder Act 1998
- ASB, Crime and Policing Act 2014
- Police Reform Act 2002
- Licensing Act 2003
- UK general Data Protection Regulations

22. Relevant policies/published documents

Policies/published documents which may be relevant to the application of this document are:

- Code of Practice on Environmental Noise Control at Concerts
- Code of Practice on Noise from Ice Cream Van Chimes etc, in England 1982
- Guidance on the Control of Clay Target Shooting
- Code of Practice on Noise from Organised Off-road Motor Cycle Sport 1994
- British Standard 4142: 2014 'Methods for rating and assessing industrial and commercial sound'
- British Standard 8233: 1999 'sound insulation and noise reduction for buildings'
- City of Lincoln Licensing Policy
- ASB, Crime and Policing Act statutory guidance;
- The Lincolnshire community trigger process;
- City of Lincoln anti-social behaviour strategy;
- City of Lincoln Council domestic abuse policy;
- City of Lincoln safeguarding policy
- Lincolnshire SLP ISA;
- Lincolnshire ASBRAC ISA;

23. Monitoring/Review

23.1 Noise nuisance services are the responsibility of the Portfolio Holder for Reducing Inequality.

23.2 Monitoring of our services is provided by democratically elected members through a robust scrutiny process.

23.3 This policy will be reviewed biennially in conjunction with the relevant portfolio holders.

24. Policy tracker

Policy tracker				
Author/s	Responsible Director	Responsible Portfolio Holder	Version	Date implemented
Public Protection and ASB Manager	Director Communities and Environment	Cllr Sue Burke Reducing Inequality	2.0	

Appendix 1: AUDIBLE INTRUDER ALARMS

Following receipt of a complaint:

Following a complaint that an intruder alarm is sounding and has been sounding at regular intervals or is currently sounding the following procedure will be used:

Checks will be made to locate and contact the owner or key holder. These checks may involve the following;

- Searches of our own complaints system,
- Searches on our council tax system,
- Searches of public address systems,
- Searches on land registry
- Checks with local police
- Checks with neighbours

Where the person responsible can be located, attempts should be made to contact them and get them to silence the alarm.

Where the person responsible cannot be located or cannot be contacted following reasonable attempts being made and the investigating officer is satisfied that the alarm is causing a statutory nuisance a noise abatement notice should be served in line with the requirements set out by the Environmental Protection Act 1990 (EPA 1990). The notice should specify a period of one hour for compliance; the "time notice served" field must therefore be completed.

A nuisance is likely to be where either:

- The alarm has been sounding for more than 20 minutes, or
- The alarm appears to be malfunctioning in some other way such that it keeps going off unnecessarily in a short period.

Following service of the Abatement notice:

Should the alarm continue to sound or malfunction following the time period specified on the notice. The investigating officer will consider whether it is appropriate to silence the alarm by means of completing works in default.

Where it is deemed necessary to silence an external alarm, arrangements should be made to meet the alarm company contractor outside the premises. The Police should be notified of the intended action and where appropriate attend while the alarm is silenced. The contractor should then disconnect the alarm causing the minimum of damage to the alarm system.

Should the alarm causing a nuisance be situated within the property an application must be made to the Magistrates court for a warrant to enter the premises under Part 111 of the Environmental Protection Act 1990. This warrant, if granted will allow essential persons to enter the premises. The use of force may be required in order to gain access and take action to abate the nuisance, most likely the removal of door locks by a locksmith. The property must then be secured following successfully abating the nuisance, and suitable arrangements made to ensure that the property's owner/responsible party is instructed how entry may be gained.

After disconnecting the external alarm, an internal alarm may still sound although this is unlikely to cause the same degree of nuisance as the external alarm.

Subsequent arrangements should be made to pay the contractor and to charge the occupier with the cost of the work.

SUBJECT:	UPDATED INTERNAL DOMESTIC ABUSE POLICY
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCECSA BELL – PPASB & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Policy Scrutiny Committee members on the revised Internal Domestic Abuse policy.
- 1.2 To seek the views of the Policy Scrutiny Committee on the revised policy prior to its consideration by the Executive.

2. Executive Summary

- 2.1 The City of Lincoln Council have a legal and moral obligation to ensure that the workplace is safe and in relation to supporting victims of Domestic Abuse. It is therefore necessary to have a clear policy setting out the council's response and responsibilities in relation Domestic Abuse which impacts our workforce whether as victims or perpetrators.
- 2.2 Attached to this report is a revised and updated version of the Council's Internal Domestic Abuse Policy.

3. Background

- 3.1 Domestic Abuse has risen on the national agenda over the last decade with new and widened definitions being introduced as well as specific Act's to tackle Domestic Abuse and set a framework for the support that victims can expect.
- 3.2 The City of Lincoln Council is committed to tackling Domestic Abuse and is a active statutory partner in the Domestic Abuse Board in Lincolnshire.
- 3.3 The City of Lincoln Council has an external safeguarding policy which sets out how we identify and support victims who may be among our customers. This function has been discharged by the Council's Public Protection and Anti-Social Behaviour (PPASB) service.
- 3.4 The Council's Internal Domestic Abuse Policy was last revised and updated in 2014 and so following changes in legislation and more detailed definitions being produced a policy refresh was required.

4. The revised Internal Domestic Abuse Policy

- 4.1 The revised policy can be found attached as appendix A.

- 4.2 A detailed definition has been provided in section 2 of the policy to reflect the current legal definition and the complex nature of domestic abuse.
- 4.3 The sections involving domestic abuse in the workplace have been reworded and updated for ease of reading to ensure they are robust and fit for purpose.
- 4.4 Section 7: safety at work has been added to provide guidance on what the council may do to support and keep safe victims of Domestic Abuse whilst they are in the workplace.
- 4.5 Section 9: recording of concerns has been added to set out how concerns will be recorded confidentially.
- 4.6 Section 11: raising awareness in the workplace has been added. This section sets out how the council will raise awareness of this policy and the support available for those experiencing Domestic Abuse.
- 4.7 Section 12: legislation has been added to the policy to set out the relevant legislation that related to domestic abuse and our obligations to protect our employees.

5. Strategic Priorities

5.1 Let's reduce all kinds of inequality

Domestic Abuse nuisance can disproportionately affect those most vulnerable within our communities including those within our workforce. This policy ensures the Council's response is relevant and effective.

5.2 Let's enhance our remarkable place

By ensuring that the council is a safe and supportive workplace can help to ensure that our employees feel safe and are supported with personal issues. This allows the council to lead by example and helps to enhance our remarkable place.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

There are no significant financial impacts associated with this policy. However legal challenge may result in legal expenses.

6.2 Legal Implications including Procurement Rules

The legal implications of this policy are ensuring that the council fulfils its statutory obligations in relation to both employment law and the Domestic Abuse Act.

6.3 Equality, Diversity and Human Rights

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

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

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

This policy seeks to ensure that both equality and diversity are considered at the point of disclosure of Domestic Abuse being made. The policy serves to ensure that no-one is unfairly impacted and that the support available can be accessed by all.

6.4 **Human Resources**

There are HR implications related to this policy. As a victim of Domestic abuse this will not affect employment rights and support will be offered.

As a perpetrator of Domestic Abuse this policy may be read in conjunction with other policies such as the code of conduct policy or disciplinary policy where appropriate.

6.5 **Land, Property and Accommodation**

There are no land, property or accommodation implications.

6.6 **Significant Community Impact &/or Environmental Impact**

There are no significant community or environmental implications.

6.7 **Corporate Health and Safety implications**

Domestic abuse may have a negative psychological impact on those who experience it as well as those who are disclosed to. Support for these individuals will be provided or signposted as appropriate.

7. **Risk Implications**

7.1 **(i) Options Explored**

No further options explored

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

This policy seeks to reduce risks associated with noise nuisance.

8. **Recommendation**

8.1 That Policy scrutiny committee consider and comment on the policy and refer to Executive.

Is this a key decision? No

Do the exempt information categories apply? No

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

No

How many appendices does the report contain?

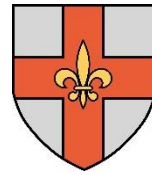
One

List of Background Papers:

None

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CITY OF
Lincoln
COUNCIL

Domestic Abuse Policy

Updated April 2022

Document Control

Organisation	City of Lincoln council
Title	Domestic Abuse Policy
Author	Francesca Bell
Filename	DA Policy 2022
Owner	Francesca Bell
Subject	Domestic Abuse
Classification	
Review date	

Revision History

Revision Date	Author	Previous Version	Description of Revision

Document Approvals

This document requires the following approvals:

Sponsor Approval	Name	Date
Executive		
CMT		
SIRO		

1. Purpose of this document

This Policy is to ensure that assistance is made available to any employee who is a victim of domestic abuse, or affected by nature of association via familial or co-worker connection.

The Policy outlines the support in place for staff and others, affected by Domestic Abuse issues, provides guidance for the management of such issues and details of support agencies.

The Council is committed to heightening awareness of domestic abuse and providing guidance for employees and management to address the occurrence of domestic abuse and its effects on the workplace.

The Council strives to create a working environment that promotes the view that violence and abuse against people is unacceptable. Any incident of violence or abuse that takes place on council premises must be reported.

A duty of care:

All employers have a duty of care and health and safety laws ensure workers have the right to work in a safe environment where risks to health and well-being are considered and dealt with efficiently.

There are four main areas of health and safety law relevant to violence at work:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996.

The Council will not tolerate domestic abuse and is committed to responding sensitively and effectively to staff that require help and support and intends to make assistance available to employees affected by domestic abuse. This assistance may include:-

- Confidential and sensitive routes for accessing support in the workplace.
- Resource and referral information.
- Special considerations at the workplace for employee safety.
- Work schedule adjustments.
- Leave necessary to obtain medical, counselling or legal assistance and residential relocation.
- Offering temporary or permanent alteration to workplace, work times and patterns, helping to reduce the risk at work and on their journeys to and from work.
- Inform reception staff, switchboard or team members not to divulge information about colleagues, especially personal details such as addresses, telephone numbers or shift patterns
- Blocking e-mails / intercepting phone calls
- Carrying out a workplace risk assessment for both the individual and other employees
- Develop a mutually agreed plan which takes account of workplace safety.
- Respond appropriately to those who feel they are involved in contributing to difficulties in their intimate relationships.

In responding to domestic abuse, the Council will maintain appropriate confidentiality and respect for the rights of the employee involved. The Council will cooperate with any legal action taken by third parties against those perpetrating domestic abuse.

These guidelines apply to all employees equally, including those employed on fixed term contracts. Employees Seconded and other contractors will be expected to adhere to the standards required in this guidance. Issues relating to these individuals will be referred to the appropriate employer, where appropriate.

2. What is Domestic Abuse

The UK government's definition of Domestic Abuse is 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial, emotional.'

Domestic Abuse can take different forms, including:

physical abuse
sexual abuse
financial abuse
coercive control and gaslighting / emotional abuse
digital / online abuse
'honour-based' violence
forced marriage
female genital mutilation (FGM).

Characteristics of Domestic Abuse

Physical Abuse

Physical abuse does not always leave marks or cause permanent damage:

- Scratching, biting, grabbing or spitting.
 - Shoving and pushing.
 - Slapping and punching.
 - Throwing objects to hurt or intimidate you.
 - Destroying possessions or treasured objects.
 - Hurting or threatening to hurt your children and/or pets.
 - Poisoning and forced drug taking
-
- Disrupting your sleeping patterns to make you feel exhausted.
 - Burning.
 - Strangling.
 - Attacking or threatening to attack with a weapon.
 - Any threats or actual attempts to kill you.

Emotional/Psychological Abuse

Emotional/psychological abuse is a behaviour your partner uses to control you or damage your emotional well-being. It can be verbal or non-verbal:

- Name-calling, mocking, intimidation and making humiliating remarks or gestures.
- Yelling in your face or standing in a menacing way.
- Manipulating your children.
- Telling you what to do or where you can and cannot go.
- Placing little value on what you say.
- Interrupting, changing topics, not listening or responding, and twisting your words.
- Putting you down in front of other people.
- Saying negative things about your friends and family.
- Preventing or making it difficult for you to see friends or relatives

- Cheating or being overly jealous.
- Shifting responsibility for abusive behaviour by blaming others or saying you caused it.
- Monitoring your phone calls, texts, car and computer use.

Economic/Financial Abuse

Economic/financial abuse happens when the abuser makes a victim entirely financially dependent on the abuser, with no power or say in the relationship:

- Forbidding the victim to work or attend school.
- Sabotaging employment opportunities by giving the victim a black eye or other visible injury prior to an important meeting.
- Jeopardizing employment by stalking or harassing the victim at the workplace.
- Denying access to a vehicle or damaging the vehicle so that the victim cannot get to work.
- Sabotaging educational opportunities by destroying class assignments.
- Withholding money or giving an allowance.
- Denying access to bank accounts.
- Hiding family assets.
- Running up debt in the victim's name.

Stalking and Harassment

Stalking and harassment can happen between strangers or in relationships, where the abusive partner or ex demands your time even after you make it clear you do not want contact:

- Making unwanted visits or sending you unwanted messages (voicemails, text messages, emails, etc.).
- Following you, including installing GPS tracking software on your car or cell phone without your knowledge or consent.
- Checking up on you constantly.
- Embarrassing you in public.
- Making you prove where you are
- Refusing to leave when asked.

Sexual Abuse:

- Sexual abuse does occur in committed relationships and marriages
- It may include revenge porn

3. Equality statement

The Council acknowledges that Domestic Abuse can occur in all areas of society. It is recognised, however, that some employees may face additional barriers and issues in seeking help because of their ethnic background, religion, age, sexual orientation, disability or gender which might make them feel particularly vulnerable when talking about their situation. Any employee training on the subject of Domestic Abuse will incorporate an appreciation of these issues and how to effectively manage them.

4. Confidentiality

The Council respects an employee's right to confidentiality and recognizes that employees experiencing domestic abuse normally have the right to confidentiality. However, in circumstances of child protection, the protection of vulnerable adults from abuse or criminal activity, information may need to be shared with other appropriate agencies. Reference should be made to the Safeguarding Policy and advice sought from the safeguarding lead.

4.1. Disclosures

Disclosures relating to domestic abuse should be treated confidentially unless:

- There are concerns about safeguarding children.
- There are concerns about safeguarding adults at risk.
- There is a direct threat to the health or safety of other employees.
- The employee agrees to sharing information as part of the support plan.

4.2. Anti-discrimination

The Council will not discriminate against anyone who has been subjected to domestic abuse, in terms of his or her existing employment or career development.

A record of the advice and support given in the workplace is confidentially recorded within the councils confidential recording system.

5. Domestic Abuse in the workplace

5.1. Victims

Employees who make it known to the Council that they are experiencing Domestic Abuse will be treated in a sympathetic and supportive manner. They will not be judged by other employees and will be supported to help themselves out of their abusive circumstances where they wish to leave, having due regard for their personal safety and that of their children, where applicable.

Employees can seek advice and support from their line manager, the Domestic Abuse or Safeguarding Lead or Human Resources. Trade Union representatives can provide advice and guidance on policy and employment related issues. Specific and specialist support will be provided through the Domestic Abuse and Safeguarding Lead.

Information on places of safety and Domestic Abuse can also be sought directly from the Housing Solutions Team who can also complete DASH assessments.

Employees who recognise or suspect that a colleague is living in an abusive situation at home should speak in confidence to their line manager or Human Resources, who will in turn seek advice from the Domestic Abuse or Safeguarding Lead and similarly, should colleagues report to the Domestic Abuse or Safeguarding Lead, advice will be sought from HR regarding any employment implications.

Employees should recognise that they are not counsellors and should be wary of promising more than they can deliver in terms of support. They should also consider their own wellbeing, as they may be putting themselves in danger if the abuser becomes aware of their support. Whilst confidentiality is key to supporting those who experience Domestic Abuse it may be necessary to ensure the safety of the victim to share information with partner agencies. Consent should always be sought however it be necessary to share information without consent

5.2. Perpetrators

Where a manager is aware, (upon the offending being formally acknowledged by a court of law) that an employee is perpetrating Domestic Abuse, the matter should be discussed urgently with Human Resources.

The initial focus of any work conducted with perpetrators of Domestic Abuse will focus on additional support. Any such conduct may make certain job duties inappropriate and justify consideration for redeployment, and/or disciplinary action which could lead to dismissal. This applies particularly to those individuals who work with the public, with children or with vulnerable adults.

An individual cautioned or convicted of a criminal offence may be subject to the organisation's code of conduct policy and procedure. The Council also reserves the right to consider the use of this policy should an employee's activities outside of work (whether or not it leads to a criminal conviction) which may have an impact on their ability to perform the role for which they are employed and/or be considered to bring the organisation into disrepute. In some circumstances it may be deemed inappropriate for the individual to continue in his/her current role(s). In these circumstances the possibility of redeployment into an alternative role may be considered.

It may also be necessary to notify the Local Authority Designated Officer (LADO) The LADO is the person who should be notified when it has been alleged that a professional or volunteer who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates she or he may pose a risk of harm to children
- behaved or may have behaved in a way that indicated they may not be suitable to work with children

Information on how and when to report to the LADO can be sought from the Designated Safeguarding Lead.

The Council views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the organisation's code of conduct for disciplinary purposes.

Where appropriate, action may need to be taken to minimise the potential for perpetrators to use their position or work resources to find out details or the whereabouts of their partners. This may include a change of duties or withdrawing access to certain computer programmes.

The alleged perpetrator will be:

- treated fairly and honestly
- helped to understand the concerns expressed and processes involved
- kept informed of the progress and outcome of any investigation and the implications for any disciplinary process
- advised to contact their union or professional organisation.

If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones, email or fax machines then they will be seen as having committed a disciplinary offence.

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken

4.3 If the victim/survivor and the perpetrator work in the same organisation

In cases where both the victim/survivor and the perpetrator of Domestic Abuse work in the organisation, the Council will take appropriate action.

In addition to considering disciplinary action against the employee who is perpetrating the abuse, action may need to be taken to ensure that the victim/survivor and perpetrator do not come into contact in the workplace.

Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim/survivor. This may include a change of duties for one or both employees or withdrawing the perpetrator's access to certain computer programmes or offices.

However, it is also recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship may choose to seek solutions jointly, and in such situations appropriate support should be given.

Any individual who is violent to or abusive of, their partner and who is concerned by this behaviour should seek support and help from an appropriate source

6. Support to Staff who are Victims of Domestic Abuse

The Council intends to make support available to employees affected by Domestic Abuse.

The Council can offer support through; our managers, human resources, Domestic Abuse Lead and occupational health. Support can include;

- Understanding the complex issues affecting those experiencing domestic abuse
- Undertake a DASH risk assessment and referral to MARAC for staff disclosing domestic abuse, this will be undertaken by a trained professional within the safeguarding team.
- Signposting to relevant domestic abuse services.
- Assist with safety planning.
- Supporting individuals to seek counselling
- Maintaining confidentiality (subject to the requirements of safeguarding children and adults)
- Responding in a sensitive and non-judgmental manner
- Discussing the specific steps that can be taken to help this person stay safe in the workplace
- Ensuring the employee is aware of the options available to them
- Encouraging the employee to seek the advice of other relevant agencies

7. Safety at work

The Council undertakes to promote the safety of its employees. The Council will actively provide support to employees to minimize the risk to their safety while at work, if they make it known to the Council that they are experiencing domestic abuse.

Risk assessments and bespoke arrangements may be put in place in view of identified risk associated with lone working, entering and leaving working environments during hours of darkness and/or in isolated locations.

Where a third party has set out legal requirements to protect those affected by Domestic Abuse, the Council will support these.

The Council will work closely with the Police and the individual affected by domestic abuse to implement a system of protection and support. The Council will give appropriate time to report breaches of legal requirements if they occur.

The Domestic Abuse Lead will be available to support this process in conjunction with the Safeguarding Lead and HR.

8. Roles and responsibilities

8.1. Managers and Team Leaders

Managers should appreciate how difficult it may be for an employee to discuss his/her personal circumstances and should always offer support in a non-judgemental fashion. They should also remember that, very often, signs of abuse will not be visible and that an individual may leave their abusive environment only to return again sometime in the future.

Where a line manager has significant suspicions (this may include the employee presenting with frequent injuries, or the staff member disclosing something concerning to the manager or colleagues) that an employee is experiencing domestic violence/abuse, they should contact Human Resources or the Domestic Abuse lead for advice or support. The council encourages professional curiosity however it is recognised that suspicions may arise which are not felt significant enough in order to enquire, in these cases advice can be sought from Human Resources or the Domestic Abuse lead. Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity. Employees should never be pressured into disclosing any personal information that they do not feel comfortable sharing.

Managers may consider implementing reasonable measures which would protect the safety of employees who are experiencing Domestic Abuse. Victims of Domestic Abuse will be believed upon making allegations and investigations will be launched alongside partner agencies. The Council will seek to implement any beneficial measures to support the employee whilst at work, for example they may benefit from a temporary change of hours or place of work. In some circumstances it may be appropriate to relocate or redeploy an employee as a supportive measure. The Domestic Abuse Lead will work with external agencies regarding any support needs outside of work.

Managers should offer ongoing support to employees who are experiencing Domestic Abuse including time off, for example, for counselling, visits to a solicitor or support agencies, for re-housing or re-organising childcare.

Employees who are experiencing Domestic Abuse may demonstrate poor punctuality, attendance, work performance and productivity. Managers should be aware that these factors may be symptoms of Domestic Abuse, and employee's individual circumstances will be discussed prior to instigating any disciplinary procedures.

Managers who wish to support an employee who is experiencing Domestic Abuse should contact Human Resources or the Domestic Abuse lead.

8.2. HR

First and foremost, the code of conduct and the councils policies make clear that all forms of abuse – including domestic abuse – are strictly prohibited.

These policies provide HR the power to take into account matters outside the workplace, stressing that Domestic Abuse may result in:

- disciplinary action, including dismissal
- notification to the police
- notification to any regulators or professional associations where relevant, and
- in some cases, injunctions preventing entry into the organisation.

However, not all cases may result in disciplinary sanctions.

In some situations, a Domestic Abuse perpetrator may voluntarily seek help from HR, who can provide support without this meaning that HR are condoning the abuse.

Perpetrators may benefit from professional help if they have a genuine wish to change their behaviour, and there are external organisations who specialise in supporting these individuals.

In such circumstances, HR can consider a package of support – including access to specialist services or time off for counselling – after conducting a clear risk assessment of the situation and taking advice if needed from specialist services.

There may be circumstances in which disciplinary action for misconduct outside of the workplace is appropriate, most notably when the employee's actions risk bringing the council into disrepute.

HR may also be able to support victims with referrals to Occupational Health or signposting for support and may be able to assist managers and co-workers with identifying support needs and ensuring that our policies are understood and adhered to.

8.3. Trade unions

The Council acknowledges the supportive role played by trade union representatives and furthermore recognises that Employees may wish to approach their representative in order to seek advice or support on a range of issues.

Where a trade union representative is approached regarding domestic abuse, they should contact Human Resources or the Domestic Abuse lead for confidential advice. Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity. Employees should never be pressured into disclosing any personal information that they do not feel comfortable sharing.

The trade union representative will be supported by the Safeguarding Lead and Domestic Abuse Lead to;

- Undertake risk assessments
- Make referrals
- Provide Support and advice to both the victim and the trade Union Representative.

8.4. Employees

the Council encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, the council will ensure that the person with concerns is made aware of the existence of this policy.

All employees are required to undertake the basic training on Domestic Abuse at the commencement of their employment. Employees identified as Tier one employees will be required to undertake additional training which will be provided as part of their safeguarding pathway.

It is possible that employees through their contact with the public may have Domestic Abuse disclosed to them. They should follow the process set out in the safeguarding policy for how to deal with this. The council also acknowledges that employees may be confided in by their colleagues or friends and family about Domestic Abuse. Where this occurs confidential advice can be sought from the Domestic Abuse or safeguarding lead or HR where support will be provided.

9. The recordings of concerns

All records concerning domestic abuse should be kept strictly confidential. No local records should be kept of absences relating to domestic abuse and there should be no adverse impact on the employment records of victims of Domestic Abuse.

10. Staff training

The Council are committed to training all staff across the authority on how to spot the signs of Domestic Abuse, and how to report it. The Council will also identify and training a higher tier of staff who are more likely to come across and be required to case manage complex issues which may also involve Domestic Abuse. The higher tier personnel are members of the Public Protection and Anti-Social Behaviour service, Housing Solutions and Tenancy Services, the training will be provided through the safeguarding training pathway and other training made available by specialist services.

The council also has a number of Multi-Agency Risk Assessment Conference (MARAC) representatives. These are the Designated Safeguarding Lead and the members of the Housing Solutions Team.

11. Raising awareness in the workplace

The Council will raise awareness of domestic abuse through the following measures:

- Publishing, maintaining and posting in locations of high visibility a list of resources for survivors and perpetrators of domestic abuse.
- Publicising and distributing information on the council's policy and guidelines
- Participating in local and national initiatives and calendar events.
- Staff to be made aware of the policy at induction and mandatory training.

12. Legislation

- Health & Safety Act 1974
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Domestic Violence, Crime and Victims Act 2004
- Employment Rights Act 1996
- Serious Crime Act 2015 (Section 17 Coercive or Controlling Behaviour)

13. Useful resources

- [Domestic Abuse – Local support for domestic abuse victims - Lincolnshire County Council](#)
- Edan lincs provide support to victims in lincolnshire [Home - EDAN Lincs Domestic Abuse Service](#)
- Make a Change is a service for perpetrators of DA to address their behaviour [Lincolnshire — Make a Change](#)
- PALADIN supporting victims of stalking [Layout 1 \(paladinservice.co.uk\)](#)
- women can call [The Freephone National Domestic Abuse Helpline, run by Refuge](#) on [0808 2000 247](#) for free at any time, day or night. The staff will offer confidential, non-judgemental information and support
- talk to a doctor, health visitor or midwife
- men can call Men's Advice Line on [0808 8010 327](#) (Monday to Friday 9am to 8pm), or visit the webchat at [Men's Advice Line](#) (Wednesday to Friday 10am to 11am and 3pm to 4pm) for non-judgemental information and support
- men can also call [ManKind](#) on [0182 3334 244](#) (Monday to Friday, 10am to 4pm)
- If you identify as LGBT+ you can call [Galop](#) on [0800 999 5428](#) for emotional and practical support
- anyone can call [Karma Nirvana](#) on [0800 5999 247](#) (Monday to Friday 9am to 5pm) for forced marriage and honour crimes. You can also call [020 7008 0151](#) to speak to the GOV.UK [Forced Marriage Unit](#)
- in an emergency, call 999

You can also email for support. It is important that you specify when and if it is safe to respond and to which email address:

- women can email helpline@womensaid.org.uk. Staff will respond to your email within 5 working days
- men can email info@mensadviceline.org.uk
- LGBT+ people can email help@galop.org.uk

[The Survivor's Handbook](#) from the charity Women's Aid is free and provides information for women on a wide range of issues, such as housing, money, helping your children, and your legal rights.

If you are worried that you are abusive, you can contact the free [Respect helpline](#) on [0808 802 4040](#).

Report on Lincolnshire Health Scrutiny Committee

13.04.2022

Councillor Calum Watt

Meeting recording and papers:

<https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=137&MIId=6171&Ver=4>

Summary

Health Scrutiny opened with a strident call for a “truly national health” service. The clear wish of those present was for all these different Trusts to stop “pinching” staff from one another and for there to be a national programme of training for specialist nurses, particularly those working in mental health. Needless to say I was happy to associated myself with these remarks.

I questioned the representatives of Lincolnshire Partnership Foundation Trust (the principal Trust in charge of mental health services in Lincolnshire) on the reasons they believe Lincoln had the highest suicide rate in the country last year, and why so many people seeking help from mental health services in Lincolnshire often feel ignored until their condition is at its most critical. Further, there is confusion as to who someone who is suffering from mental health difficulties should speak to.

LPFT replied that many suicide cases are not known to mental health services, but that they hope the new Community Transformation Fund (which LPFT is carrying out as a part of a pilot with 11 other Trusts) might help to identify vulnerable people more quickly and would bring services into greater coherence.

Erring on the side of optimism, I encouraged LPFT to work more closely with the City Council and with the Safeguarding lead on this new scheme. However, the independent member – Dr Wookey, while expressing his hope the scheme would work – pointed out that there have been “3 or 4” attempts at creating greater cohesion between services in the past and that they often follow the same pattern: a successful pilot, followed by a gradual return the present, less organised state of affairs.

The suicide rate in Lincoln really is a disgrace and it would be worth greater investigation to discover the reasons why we are such an outlier. At the end of the meeting a working group considering the problem of suicide (in the county) was formed. I was deeply regretful that as a substitute member I was not able to join it. Certainly, it would be useful for us as the City where the rate is highest to have some input into any strategy which might emerge out of this Committee for dealing suicide here.

Dr Sharrack, representing the Lincolnshire Local Medical Committee (the statutory organisation which represents GPs in Lincolnshire), presented the Access to General Practice Report he called for an end to “negativity” towards GPs in the wake of the pandemic. He presented quite bleak picture of GP provision in Lincolnshire, which is clearly suffering from low recruitment. Several members accused Dr Sharrock of spreading negativity himself and were harsh in their criticism of GPs; blaming them for making it “impossible” to get an appointment during the pandemic in particular. Dr Sharrock said this was caused by the failure of the government to provide GPs with sufficient financial compensation to relocate to more isolated areas, for example, along the east coast, although some benefits had been discovered as it was more efficient to speak to patients over the phone and thus more people had been “seen” by this method.

The meeting concluded with a vote on the questions to be included on a public consultation regarding the concentration of nuclear medicine (e.g. radiology) at either Lincoln AND Boston hospitals (ULHT), or just Lincoln. The justification is – once again – a lack of staff, but the Committee was unanimous in

voting for a statement rejecting the presupposition in the consultation paper that these were the only two options and that continuing to have nuclear medicine provided at Grantham Hospital was not being considered.

POLICY SCRUTINY COMMITTEE

7 June 2022

SUBJECT:	POLICY SCRUTINY WORK PROGRAMME 2021/22 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 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 (01522) 873619

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Policy Scrutiny Committee Work Programme – Timetable for 2022/23

7 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
Animal Policy	Francesca Bell	
Noise Policy	Francesca Bell	
Internal Domestic Abuse Policy	Francesca Bell	

16 August 2022

Item(s)	Responsible Person(s)	Comments
Policy Scrutiny Work Programme 2022-2023 Update	Democratic Services	Regular Report
CCTV Revised Code of Practice	Caroline Bird	
Recycling- paper and card collections proposal	Steve Bird	
Protecting Vulnerable People	Paula Burton	Annual Update
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

4 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

22 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

10 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

14 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
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EXECUTIVE WORK PROGRAMME

May 2022 - April 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
20 June 2022	Contaminated Land Inspection Strategy	to approve the updated Contaminated Land Inspection Strategy	Executive	No	Public
20 June 2022	Revised Tenant Involvement Strategy 2022-2025	To seek approval for the revised Tenant Involvement Strategy 2022 to 2025 which replaces the 2018 to 2021 strategy.	Executive	No	Public
20 June 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
20 June 2022	Social Media Policy	To approve Social Media Policy	Executive	No	Public
20 June 2022	Financial Monitoring Quarterly Review	To present to Executive the fourth quarter's financial performance 2021/22	Executive	No	Public
20 June 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
20 June 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
20 June 2022	Building Safety Engagement Strategy	To approve the Resident Engagement Strategy for Building Safety 2021	Executive	No	Public

20 June 2022	Western Growth Corridor-Next Steps	Decision on the next steps for landowner delivery of the development	Executive	Yes	Private
20 June 2022	Western Growth Corridor - Next Steps	Decision on the next steps for landowner delivery of the development	Executive	Yes	Public
20 June 2022	Housing Pipeline Approach	Decision on the approach to developing a housing pipeline on City Council owned land	Executive	Yes	Public
20 June 2022	Lincoln Central Market	Details of progressing to entering into a contract for delivery	Executive	Yes	Private
20 June 2022	Health & Wellbeing Strategy	Adoption and next steps on the Health & Wellbeing Strategy	Executive	Yes	Public
20 June 2022	Regulation of Investigatory Powers Act (2000) (RIPA) Update	Update on RIPA	Executive	No	Public
20 June 2022	Levelling Up Lincoln	Decision on actions as part of Lincoln response to the Levelling Up White Paper	Executive	Yes	Public
25 July 2022	Revised Lincoln Tenants Panel Constitution	Approve constitution	Executive	Yes	Public
25 July 2022	CCTV Code of Practice Review	Renewal of CoP, including any recommended changes.	Executive	No	Public
25 July 2022	Internal Domestic Abuse Policy	To approve policy.	Executive	No	Public
25 July 2022	Noise Policy	To approve policy	Executive	No	Public

25 July 2022	Animal Policy	To approve policy	Executive	No	Public
22 August 2022	Greetwell Place Managed Workspace - Future Arrangements	Nature of the City Council's involvement in the operation of Greetwell Place	Executive	Yes	Private
19 September 2022	CCTV Revised Code of Practice	Adopting the revised CoP	Executive	No	Public