

## **SELECT SCRUTINY COMMITTEE (ACTING AS CRIME AND DISORDER COMMITTEE)**

**Wednesday, 20 July 2022**

**6.00 pm**

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

Membership:	Councillors Calum Watt (Chair), Gary Hewson (Vice-Chair), David Clarkson, Jane Loffhagen and Hilton Spratt
Substitute member(s):	Councillor(s) Liz Bushell
External attendees:	Chief Superintendent Jon McAdam (Lincolnshire Police) and Lee Roberts (Operations Manager, Lincoln BIG)
Officers attending:	Francesca Bell, Simon Colburn, Democratic Services and Simon Walters

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### **A G E N D A**

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<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes	
(a) 21 July 2021	<b>3 - 6</b>
(b) 28 July 2021	<b>7 - 14</b>
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Exclusion of Press and Public	<b>15 - 16</b>
RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.	
<b>SECTION B</b>	
4. Lincoln City Briefing ~ June 2022	<b>17 - 24</b>
5. Anti-Social Behaviour Across Lincoln City	

## **SECTION A**

6. Lincoln Business Improvement Group - Update

**Verbal  
Report**

**Date of Next Meeting:** Wednesday, 19 July 2023 (6.00 pm)

**Present:** Councillor Bill Bilton (*in the Chair*),  
Councillor Gary Hewson, Councillor Jane Loffhagen and  
Councillor Edmund Strengiel

**Apologies for Absence:** Councillor Hilton Spratt

**1. Confirmation of Minutes - 27 October 2020**

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

RESOLVED that the minutes of the previous meeting held on 27 October 2020 be confirmed.

**2. Declarations of Interest**

No declarations of interest were received.

**3. Exclusion of Press and Public**

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

**4. Lincolnshire Police - Lincoln Performance Overview**

Jon McAdam, Chief Superintendent, Lincolnshire Police, presented the Police Performance Overview for Lincoln which covered the period up to 30 June 2021.

Members discussed the content of the report in further detail, asked questions of Jon McAdam and received relevant responses thereon.

During discussions held Councillor Strengiel highlighted that prior to COVID he had joined the local PCSO for regular walks in his area and that in the 1990's monthly meetings were held between Lincolnshire Police and Elected Members at Lincoln Police HQ. He noted that it would be helpful for this practice to be re-introduced sometime in the future, resources permitting.

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

**5. Inclusion of Press and Public**

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

**6. Anti-Social Behaviour Across Lincoln City**

*(Chief Superintendent Jon McAdams left the meeting at this stage.)*

*(Councillor Strengeiel left the meeting before the start of this item, he requested to be notified by the Democratic Services Officer on any updates given that were not detailed within the officer's report, which she agreed to send on.)*

Simon Colburn, Assistant Director, Health and Environmental Services:

- a) presented an overview of the current level of Anti-Social Behaviour (ASB) across the city, to highlight the current and arising issues and to appraise the Committee of the work and projects that were being undertaken across the city to reduce and address ASB
- b) reported that the Public Protection and Anti-Social Behaviour (PPASB) Team dealt with a wide variety of complaints including ASB, noise, environmental and animal issues, and received in excess of 2,500 requests for service each year across the city
- c) explained that the Lincoln Intervention Team was launched in October 2018 and currently had funding until December 2021
- d) advised that the team which included an ASB Outreach Officer, Mental Health Nurse Outreach Officer, Addaction Outreach Officer, and a Team Coordinator was working to reduce on-street Anti-Social Behaviour (ASB) by holistically working with individuals to deal with the root cause of their behaviour
- e) referred to Appendix A (detailed under Section B of the report) which outlined a number of tools of power it was possible for the team to utilise where appropriate, and proportionate to resolve complaints; both teams worked hard to resolve issues informally and use a range of techniques and subtle enforcement to resolve issues early, however, in some cases enforcement action was required
- f) referred also to Appendices B and C (detailed under Section B of the report) which gave relevant data on the actions of the Lincoln Intervention Team in 2020 and 2021
- g) highlighted that both teams also worked with partners such as Lincolnshire Police to address public safety concerns and where applicable to ensure residents could live free from ASB and crime
- h) advised that a police officer was permanently in residence at City Hall to support the teams
- i) reported on the impacts of the Covid 19 Pandemic on both teams which had meant home working for the PPASB Team and reduced visits to keep the team and the public safe; for the Intervention Team this meant delivery of their outreach service under very challenging circumstances, the nature of their support provided had been different with issues experienced in the city also having changed
- j) advised that from 1 April 2020 to 31 March 2021 the PPASB Team received 2518 requests for assistance across all of their services including ASB, noise nuisance, animal related concerns, environmental issues such as fly tipping and pests

- k) reported that although the service had seen an overall reduction of 9% cases compared to 2019/20, reports of ASB and noise nuisance had increased significantly as detailed within tables 1 and 2 at paragraph 4.3 of her report
- l) gave further detail within the report covering the following main areas:
- Enforcement Actions
  - Intervention Team- Performance Measures
  - Covid 19 Pandemic and PPASB
  - Lincoln Intervention Team
  - City Centre Specific Issues
  - City Centre Public Spaces Protection Order (PSPO) Renewal February 2021
  - Multi-Storey Car Parks PSPO
  - City Centre Recovery
  - City Centre and Multi-Storey Car Park Tasking Meetings
  - Partnership Working
  - Forward Look
- m) invited members' comments and questions.

Question: Where was the revenue apportioned from Fixed Penalty Tickets issued?

Response: Most of the income could be used to fund the relevant service area, dependent upon legislation.

Comment: The Council's creative approach to the problems of ASB was a much-improved way of working. There was no 'one fix' to the issue. The team were doing an excellent job.

Response: The Council also encouraged training and development for lifetime skills etc to help vulnerable clients, to discourage begging and use of drugs and to engage with people in an innovative approach.

RESOLVED that the contents of the report be noted.

## **7. Lincoln Business Improvement Group - Update**

In light of Sarah Loftus, Chief Executive of Lincoln BIG unfortunately being unable to attend tonight's meeting, the following documents were presented on her behalf:

- Covid Activity- this showed the activity that Lincoln BIG undertook: Pages 5-7 of Annual Report 2019-20
- Annual Report – this showed the activity ongoing in 2021/22 (Annual Report 2021/22. Priority 1: Welcome most relevant to tonight's meeting.)

Lincoln BIG also highlighted a number of safety issues facing the city having arisen during Covid and the re-opening of the road map:

- More graffiti
- Cycling/E-Scooter problem on the High Street
- Lack of visible policing in the city
- Buskers- the policy presented this evening had been updated and people were encouraged to follow it
- Return of homelessness and beggars and the need to reconnect and work closely with the Intervention Team at City of Lincoln Council.

RESOLVED that the content of the documented presentation be noted.

**Present:** Councillor Bill Bilton (*in the Chair*), Councillor David Clarkson, Councillor Tom Dyer, Councillor Jane Loffhagen, Councillor Hilton Spratt, Councillor Mark Storer, Councillor Edmund Strengiel and Councillor Calum Watt

**Apologies for Absence:** Councillor Gary Hewson

**8. Declarations of Interest**

There were no declarations of interest.

**9. Call In of Decision - Public Conveniences-Service Review**

The Chair reported that a decision by the Executive on 24 June 2021 on the Public Conveniences Service Review had been called in by Councillors Tom Dyer, Christopher Reid and Mark Storer, who had cited five reasons for the call in, and had suggested three outcomes, which were set out pages 4 and 5 of the agenda and reports pack.

The Chair also referred to the Council's consideration of a petition on the Westgate public conveniences public conveniences on 27 July 2021 and reported that the Council had resolved that this Committee would consider the content of the Council's debate as part of its consideration of the request for the call in.

**A. Reasons for the Call in Request and Suggested Outcomes**

Reasons for the Request for the Call In

Councillor Tom Dyer, as the lead call in member, provided detail on each of the grounds for the call in request as follows:

- (a) There had been a lack of consultation with the City of Lincoln councillors on the proposals. In addition, the public consultation exercise had been tendentious in that it had sought the answers which the organisation had wanted and had not sought the views of the public on the detail of final proposals. Furthermore, the promotion of the consultation was not up to standard, for example more use could have been made of social media and the website. The consultation could have been promoted more widely in Lincolnshire. The strength of public feeling was referenced, and this was evidenced by the petition on the closure of Westgate Toilets, which had been presented to the Council on 27 July 2021.
- (b) The proposal for the public conveniences would leave a cluster of three facilities at Tentercroft Street, the bus station, and eventually at Lincoln Market, whilst other facilities such as Lucy Tower Street and Westgate would be closed. This would represent a disproportionate level of public convenience provision.

- (c) There was a need for information on the level of income provided by each public convenience. Whilst the charge of 20p did not cover the full operational costs of public conveniences, it represented a significant contribution to the income. There could have been consideration of an increase in the charge to say 25p or 30p and how this would impact on the revenue. A charge for the use of Westgate toilets had not been explored as part of the decision.
- (d) There was a need for detailed use analysis of both the public conveniences identified for closure, and any impact on the immediate locality to inform the consultation.
- (e) Other than headline figures, no details had been disclosed on how the Council would balance its budget. The target saving figure of £82,000 was precise. There was no rationale for this target saving figure. Whilst the proposals had been discussed by the Policy Scrutiny Committee prior to the decision of the Executive on 24 June 2021, the overall context of these savings proposals within the Council's savings targets were not disclosed. No reason had been put forward why public conveniences had been the first service subjected to reductions. There was no indication of which, if any, services had been protected by these savings.
- (f) Owing to the Executive not having undertaken adequate consultation in advance of its decision, and not putting forward valid reasons for its decision, grounds three, four and five in support of the call in had been met.

### Suggested Outcomes

Councillor Tom Dyer also explained the three suggested outcomes:

- (i) The Executive confirm what decisions they have made to conclude why this decision was made, over possible savings from other areas within this directorate;
- (ii) The Executive to open the final recommendations to a full public consultation, including local businesses to fully understand the views on their proposals; and
- (iii) The Executive to carry out a full equality and diversity impact assessment and understand fully the impact on elderly and vulnerable individuals.

### Statement from Councillor Mark Storer in Support of the Call In Request

Councillor Mark Storer, as a signatory to the call in, made the following statements in support of the request for call in.

- (a) The decision had been taken within insufficient public consultation. The consultation had been undertaken before the final proposals had been made public.
- (b) The overwhelming majority of people were not in favour of the proposal, which had been evidenced by the petition.



(c) The report to the Executive on 24 June 2021 did not provide full detail on the consultation responses.

**B. Questions from Members of the Committee to the Councillor Tom Dyer, the Lead Signatory to the Call In Request**

Following questions from members of the Committee the following points were confirmed:

- All three suggested outcomes to the call in had been put forward, and any one (or more) of them could be accepted as a recommendation from the Committee to the Executive.
- The call in reasons had included the ground that the consultation had not been adequate overall. As a detailed point, the consultation had not been undertaken on the final proposals considered by the Executive. A suggestion was made that a consultation be undertaken in one year's time, as part of a review of the decision.

**C. Response to the Call In Request from Councillor Ric Metcalfe, the Leader of the Council**

In his response to the call in request, Councillor Ric Metcalfe, the Leader of the Council made the following points:

- (a) The intention of the overview and scrutiny function was to improve the quality of decision making. As part of this function the call in facility was required to focus on whether there were any defects in the decision making process, rather than to address any councillors or members of the public, who had preferred a different decision.
- (b) The City of Lincoln council's overall budgetary position had been detailed in reports to the Council at the time of the budget setting for 2021/22, and these had been clear about the Council's finances, particular in the light of the impact of Covid-19. It was inevitable that a revenue-hungry service such as public conveniences would be reviewed for savings.
- (c) There had been very little damage to front line services as a result of previous budget reductions of £8 million. These savings had been made without undermining the services provided to the public. Savings on public conveniences were not at the top of any list of savings.
- (d) These proposals had been subject to a comprehensive business and impact assessment prepared by the Directorate of Communities. The focus of this work had not been on making savings of £82,000, but had been a thorough review of the service in terms of how each facility was functioning, any areas of concern, which had led to closure.
- (e) Over 800 responses to the public consultation constituted an adequate consultation, which had taken place over several weeks. The responses received were considered in detail and following this the Executive sought to include mitigations, such as the continuation of access to Westgate for those with radar keys. There was no case for seeking further consultation.

- (f) There was nothing defective about the decision, which had been made following a comprehensive business case; due consultation, which had been considered in detail; and with all relevant matters considered.
- (g) In relation to the first suggested outcome, all budgets were being considered for potential savings, and savings would only be made after due assessment of the impact.
- (h) On the second suggested outcome, the Executive could not consult yet again.
- (i) On the third outcome suggestion, a full equality and diversity impact assessment had already been undertaken.

**D. Questions from Members of the Committee to Councillor Ric Metcalfe, the Leader of the Council**

Following questions from members of the Committee the following points were confirmed:

- In response to a question as to why the views of over 1,500 signatories to a petition on Westgate public conveniences had not been captured by the consultation exercise, it was stated that most members of the public would be inclined to support any petition seeking to keep toilets open.
- Local businesses had been involved in the consultation and many of them submitted responses.
- The Westgate public conveniences would not be demolished. Reconfiguration of the Westgate facilities to enable charging retained the risk that sufficient income would not be forthcoming to support the Council's finances.
- The Council had an overall savings target of £1.75 million, and budgets were continually being assessed to see if any savings or efficiencies could be made or income generated to meet that target. This approach meant that budget reductions could not all be made at the same time, as business cases would be required for each proposal.
- The consultation had adhered to restrictions arising from the Covid-19 pandemic.
- The citizens panel, which consisted of circa 500 Lincoln residents had been invited to complete the consultation. Homeless charities; the local NHS and disability charities along with many others had also been invited to participate in the consultation;
- Budget deficits could not wholly be addressed by increases in fees and charges, as income could not always be guaranteed from these sources.
- The running costs for Westgate public conveniences were estimated at £8,000 per annum, and this was an element of the overall saving of £82,000.
- The 800 responses to the consultation represented a statistically significant sample, with the threshold for statistical significance being 300 responses.

## **E. Decision**

After consideration of all the information submitted, it was **RESOLVED** that the request for the call in of decision of the Executive on the public conveniences service review on 24 June 2021 be refused for the following reasons:

- (1) There was sufficient public consultation with over 800 responses received, which represented a good response rate and a statistically significant sample. The consultation had taken place over several weeks. The citizens panel, together with several local charities, including a disability group, had responded. The consultation had been promoted widely on social media. There would be a consultation exercise in due course in respect of access to the toilets for people with disabilities.
- (2) The Executive had taken account of and clearly understood the consultation outcomes. These had been balanced against the financial savings which could be made; and whether there could be some mitigation, which included keeping Westgate open to people with disabilities.
- (3) The proposed decision had been considered by the Policy Scrutiny Committee.
- (4) Grounds for call in could not be based on whether an individual disliked a decision that had been made. Some opposition to the proposed decision from members of the public did not constitute valid grounds for call in.
- (5) The Executive had taken into account the Council's financial circumstances, including the effect of the loss of income as a result of the pandemic. It had been a requirement to make changes to the budget and service provision.
- (6) The Executive had taken into account the fact that the Council had made £8 million savings made with very little damage to front line services and it was acknowledged that the proposed decision was a hard one to make.
- (7) As part of the review of all the public conveniences, the Executive had taken into account a comprehensive business case, in which impact assessments had been duly undertaken.
- (8) There was nothing defective about the decision making process and therefore the decision should not be called in.

*Note: Councillor Hilton Spratt recorded his dissent from the decision set out above.*

## **10. Call In of Decision - Performance Targets for 2021/22**

The Chair reported that a decision by the Executive on 24 June 2021 on the Performance Targets for 2021/22 had been called in by Councillors Tom Dyer, David Clarkson and Christopher Reid, who had cited one reason for the call in,

and had suggested three outcomes, which were set out page 70 the agenda and reports pack.

## **A. Reasons for the Call in Request and Suggested Outcomes**

### Reasons for the Request for the Call In

Councillor Tom Dyer, as the lead call in member, provided detail on the ground for the call in as follows:

- (a) The single ground for the call in request was, having regard to the nature of the decision and the circumstances in which it had been made, the decision had been taken on the basis of inappropriate or insufficient consultation.
- (b) The process to agree the performance targets, which had been considered by the Performance Scrutiny Committee, had not been transparent. The Performance Scrutiny Committee on 22 June 2021 did not accept the performance targets. In most years amendments to the performance targets were relatively minor and agreed through consultation with the portfolio holder. However, for 2021/22 the changes to the targets were significant, with minimal explanation for these changes included in the report, and neither the portfolio holders nor the relevant senior officers had been present at the meeting of the Performance Scrutiny Committee to provide an explanation for the changes.
- (c) The performance targets set out in the report ranged from business rate collection to the levels of recycling. Because there had been no rationale presented for amendments to the performance targets, they should remain as they were for 2020/21.
- (d) As a result of the impact of Covid-19, several service areas had not achieved their performance targets for accepted reasons. However, the Council should be ambitious in its targets, particularly those seeking to support the achievement of net zero.

### Suggested Outcomes

Councillor Tom Dyer also explained the three suggested outcomes;

- (i) The Executive retain the targets from the previous year and report on those targets.
- (ii) Before any amendments are made, a further in-depth explanation is provided to the Performance Scrutiny Committee, with senior officers available to directly answer questions for their service areas.
- (iii) The reporting and decision making around target setting for the 2022/23 financial year are presented in a clearer and more transparent way for members.

## Statement from Councillor David Clarkson in Support of the Call In Request

Councillor David Clarkson, as a signatory to the call in, made a statement in support of the call in request:

- (a) Definitions of key performance indicators included one where these indicators were defined as a measurable value that identified how an organisation was achieving key measurable objectives. Performance targets must be set appropriately and according to the International Organization for Standardization could also be used to measure the effectiveness of an organisation's quality management systems.
- (b) Targets should be set so that they were specific, measurable, achievable, relevant and timebound, in order both to define the success of any project and to involve all staff. For processes to be measured an organisation should have control of all elements of the process. Processes themselves should not be impacted by external factors such as the Covid-19 pandemic and these factors, because of their transient nature, were not a valid reason to amend a performance target.
- (c) For the above reasons, the Executive should continue to report on the 2021/22 targets, with supporting narrative to explain any significant variations in performance.

### **B. Questions from Members of the Committee to the Councillor Tom Dyer, the Lead Signatory to the Request for Call In**

Following questions from members of the Committee the following points were confirmed:

- At the meeting of the Performance Scrutiny Committee on 24 June 2021, it had not been made clear who had made the decision for changes to the performance targets to be 'light-touch'.
- In relation to the suggested outcomes (ii) and (iii) above, it was understood that since the date of the call in request (30 June 2021) work was in hand, but had not been formally confirmed.
- The Council operated an approach where its targets were specific, measurable, achievable, relevant and timebound.
- With reference to paragraph 4.2 of the report to the Executive (pages 76-77 of the agenda and reports pack), explanations had not been disclosed for all the changes proposed.
- The number of senior staff in attendance at the Performance Scrutiny Committee on 22 June 2021 had been limited, as a measure to reduce the risk of the spread of Covid-19.

### **C. Response to the Call In Request from Councillor Ric Metcalfe, the Leader of the Council**

In his response to the call in request, Councillor Ric Metcalfe, the Leader of the Council made the following points:

- (a) The changes to the targets did not represent a loss of ambition, but had been made so the targets remained achievable.

- (b) If there were a perception that the consultation on the revised targets had not been adequate, this would be accepted.
- (c) It was not acceptable to continue with targets from 2020/21, because of the impacts on services and staff of setting targets that would be impossible to achieve.

**D. Questions from Members of the Committee to Councillor Ric Metcalfe, the Leader of the Council**

Following questions from members of the Committee the following points were confirmed:

- Following the conclusions by the Performance Scrutiny Committee on 22 June 2021, at the meeting of the Executive on 24 June 2021, an indication had been given that the rationale for revising the performance targets for 2021/22 would be considered by the Performance Scrutiny Committee. However, the Committee's consideration would not affect the decision on the targets themselves.
- There would be consideration of any alternative ways of recording customer satisfaction, given its importance, in the light of the measures to be removed, as listed in paragraph 4.2a of the report to the Executive (page 76 of the agenda and reports pack).
- The Performance Scrutiny Committee received quarterly performance report and was able to raise any issues directly with the Executive. The performance figures for quarter one would be submitted to a forthcoming meeting of the Committee.

**E. Decision**

Following discussion, the suggested outcome, as set out in (i) above, was withdrawn by Councillors Tom Dyer and David Clarkson.

Following further discussion, the request for call in was withdrawn by Councillors Tom Dyer and David Clarkson, on the basis that the Leader of the Council and relevant senior officers would be present at the meeting of the Performance Scrutiny Committee on 10 August 2021 to provide information on the rationale for the changes to the performance targets.

It was unanimously **RESOLVED**

- (1) That the withdrawal of the request for call in be noted.
- (2) That the Performance Scrutiny Committee at its meeting on 10 August 2021 be requested to consider the rationale for the changes to the performance targets, with the relevant portfolio holders and senior officers in attendance to provide further information.

The Chair thanked everyone for their attendance and contributions and formally closed the meeting.

<b>SUBJECT:</b>	<b>EXCLUSION OF THE PRESS &amp; PUBLIC</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>CAROLYN WHEATER, MONITORING OFFICER</b>

**1. Purpose of Report**

1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

**2. Recommendation**

2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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