

SELECT SCRUTINY COMMITTEE

Wednesday, 23 August 2023

6.00 pm

Committee Rooms 1-2, City Hall

Membership: Councillors Gary Hewson (Chair), Calum Watt (Vice-Chair), David Clarkson, Clare Smalley and Emily Wood

Substitute member(s): Councillors Liz Bushell, Natasha Chapman, Martin Christopher and Aiden Wells

Officers attending: Democratic Services, Simon Walters, Steve Welsby and Ben Jackson

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 14 March 2023	3 - 8
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	9 - 10
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.	
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SECTION B	
4. Lincolnshire Police - Lincoln City Briefing August 2023	11 - 18
	[Exempt Para's 1, 2]
5. Lincoln Business Improvement Group- Update	19 - 20
	[Exempt Para 3]

Members of the press and public are entitled to attend the meeting to observe the following items, which will not involve the disclosure of 'exempt information'.

6. Anti-Social Behaviour Across Lincoln City

21 - 30

Present: Councillor Calum Watt (*in the Chair*),
Councillor Gary Hewson, Councillor David Clarkson,
Councillor Jane Loffhagen and Councillor Mark Storer

Apologies for Absence: Councillor Hilton Spratt

1. Declarations of Interest

There were no declarations of interest received.

2. Call In of Decision - Events and Culture in the City - Christmas 2023 and Beyond

The Chair reported that a decision made by the Executive on 20 February 2023 entitled 'Events and Culture in the City – Christmas 2023 and Beyond' had been called in by Councillors Thomas Dyer and Rachel Storer, who had cited three reasons for the call in, and had suggested four outcomes, which were laid out on pages 4 and 5 of the agenda pack.

A. Reasons for the Call in Request and Suggested Outcomes

Reasons for the Request for the Call In

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

- (a) The process in which the decision had been made to re allocate the existing budget provision for the Christmas Market to provide a wider events programme throughout the year including a new 'Christmas in Lincoln' offer, had been made without sufficient public consultation. Opposition Councillors and backbench Members of the controlling group were notified one day prior to the public announcement. The strength of public feeling was referenced and was evidenced by the petition entitled 'Save the Lincoln Christmas Market' organised by Rachel Whitaker. Despite a significant number of signatories, the organiser was declined the opportunity to address Executive Members. The Council had fallen short of the necessary consultation that local stakeholders expect from a local authority.
- (b) There had not been adequate discussions held with Members, stakeholders and the wider public to consider the alternative options suggested by the multi-agency Safety Advisory Group (SAG). There had been limited anecdotal discussion however no detailed data had been provided to demonstrate the feasibility of the alternatives.
- (c) The decision to re-allocate the existing budget provision for the Christmas Market to provide a wider events programme throughout the year, including a new 'Christmas in Lincoln' offer had not been taken with due regard to possible alternative options.

Suggested Outcomes

Councillor Thomas Dyer also explained the four suggested outcomes;

- (a) The City of Lincoln Council (CoLC) issue a full public apology for its poor engagement with local stakeholders, businesses and residents.
- (b) To undertake a review of the decision making process to ensure that decisions could not be made in the future in the absence of engagement standards having been met.
- (c) That the decision to re-allocate the existing budget provision away from the Christmas Market be paused until such time a full public consultation comprehensively considers the feasibility of alternative arrangements.
- (d) In the instance that the CoLC formally decide to re-allocate the existing budget provision for the Christmas Market, that the budget would receive full protection from decrease for five full financial years, commencing from 2024 – whereby an events programme was due to commence.

Statement from Councillor Rachel Storer in Support of the Call In Request

Councillor Rachel Storer, as a signatory to the call in, made a statement in support of the call in request:

- (a) It was disappointing that the decision to re-allocate the existing budget provision away from the Christmas Market had been made in the absence of sufficient public consultation despite adequate opportunities to consult.
- (b) Tourism played a significant role within the local economy and there were a number of businesses that were reliant on income generated through additional Christmas Market footfall. The Council had failed to adequately give due consideration to the impact on local businesses. In addition, CoLC had not sought the views of local businesses, key stakeholders and the wider public and therefore, there had been no exploration of alternative options.
- (c) Councillor Neil Murray, Portfolio Holder for Economic Growth was informed of the decision only weeks prior to the public announcement and Opposition Councillors only one day prior to the same announcement. The decision appeared to be made with a lack of transparency.
- (d) There had been a regrettable lack of evidence based data and details with regards to viable alternatives. The SAG offered three alternative considerations of which did not include a recommendation to disperse of the Christmas Market.

- (e) The decision had been taken in haste and had not given due consideration to future proofing the Christmas Market; an event that affected the whole City.

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

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

- It was not possible to disregard recommendations received from SAG and any behaviour contrary to their advice, would have been reckless and irresponsible.
- Consultation on the wider events programme including a new 'Christmas in Lincoln' offer would be extensive.
- The Leader of the Council had previously confirmed that for consultation to be 'meaningful', an offer of 'choice' was necessary. There was no 'choice' to offer on this occasion as public safety would always be the primary consideration and priority.
- As Leader of the Council and Chair of the Executive, Councillor Ric Metcalfe was responsible for responding to the decision.

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

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

- (a) The Council had a proven track record of extensive public consultation on a range of issues. Given previous track records and the cultural and politically pragmatic value of public consultation, there was only rare occasions where consultation was not possible.
- (b) The advice received from the SAG was compelling - an adjudication against considerable knowledge and expertise. The Council was placed in an exceptional and somewhat unprecedented position.
- (c) SAG had not carried out any work to assess the viability of the alternative options. The responsibility of such fell on the Council as the event organiser and all three options were thoroughly considered and assessed.
- (d) Visitor safety would supersede all alternative considerations and to implement one of the three alternatives, plans would require provision for the visitor numbers experienced in 2022 as a minimum which would necessitate considerable additional safety measures.
- (e) It was important to operate a safe and financially viable Christmas Market that did not negatively impact on the reputation of the City.
- (f) The three alternative suggestions were thoroughly evaluated by highly experienced event commanders with over thirty years cumulative

experience and as such, the decision taken was not ill informed nor made casually.

- (g) Should the Council have chosen to engage in consultation on the three alternative considerations and discovered after assessment from events commanders, the conclusion was that those options were not viable, it would have placed the Council in a tremendously difficult position. Therefore, assessment of alternative provision was required in the absence of consultation.
- (h) Occasionally, there were situations whereby consultation was not possible. The Council was placed in an invidious position.

Simon Walters, Director for Communities and Environment, presented a thorough explanation to summarise the evaluation of the three alternatives and provided full reasoning for their non viability.

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

Following questions from Members of the Committee, the following points were confirmed:

- The decision to re allocate the existing budget provision for the Christmas Market was a collective decision taken by the Executive.
- The Christmas Market was a much loved event and held in affection. Therefore, it was a shock when it was realised that it had to change however public safety was the primary consideration.
- Executive Members and all elected Councillors received the same information by way of briefing.
- Consideration had been given to sponsorship in an attempt to mitigate the financial loss experienced from the Christmas Market. However, it had not been possible given the size and duration of the market, to secure an appropriate sponsor.
- It would be inappropriate to issue a public apology for the determination of a decision that prioritised public safety.
- Full consultation would have occurred had it been a possibility. The decision to re allocate the existing budget provision had been an exceptional circumstance as we had a duty of care to safeguard public safety.
- It was not possible to give assurance that the re-allocated budget provision could be ring fenced for the next five financial years as it was not possible to indicate what the Council's expenditure on any given department might be in five years' time. It would be dishonest to give assurances that could be broken.
- The long-term trend demonstrated an increase in visitor numbers and perpetual feedback received indicated that it was not a comfortable or enjoyable experience.
- Officers and the Leader of the Council met with Rachel Whitaker and praised her for her organisation of the petition entitled, 'Save the Lincoln Christmas Market'. During a meeting of the Council's Executive, it was for the Chair to reach a determination whether to permit an address from the

public gallery. Executive Members had deliberated the item and it was given a full airing prior to final resolve. Therefore, it would have added no significant value to permit members of the public to address Executive Members and Officers.

E. Decision

After consideration of all the information submitted, it was **RESOLVED** that the request for the call in of the decision of the Executive on Events and Culture in the City – Christmas 2023 and Beyond on 20 February 2023 be refused for the following reasons:

- (1) The Executive had taken into account the compelling advice pertaining to public safety, received from SAG. Public consultation on the consideration of the advice received, was not possible nor responsible.
- (2) City of Lincoln Council had a positive proven track record of meaningful public consultation on a wide range of matters. However, there were exceptional circumstances whereby public consultation was not possible.
- (3) Businesses, residents, and key stakeholders would be consulted with widely to enable their views to be considered in the creation of a new “Christmas in Lincoln” offer and wider events programme proposal.
- (4) Alternative options had been full considered and examined by Events commanders. The non-viability had been extensively and satisfactorily demonstrated to Members of the Committee.
- (5) It was not possible to give assurances with regard to the Council’s financial commitments for the next five full financial years.
- (6) There was nothing defective about the decision making process and therefore, the decision should not be called in.

(Vote: Three in favour, two against)

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SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

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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SUBJECT:	ANTI-SOCIAL BEHAVIOUR ACROSS LINCOLN CITY
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR	BEN JACKSON – PUBLIC PROTECTION, ASB & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To give the committee 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 are being undertaken across the city to reduce and address ASB.

2. Executive Summary

- 2.1 The Public Protection and Anti-Social Behaviour (PPASB) Team deals with a wide variety of complaints including ASB, Noise, Environmental and Animal issues. The team receive more than 4000 requests for service each year across the city.
- 2.2 Partnership working is key to the resolution of many of the service requests dealt with. Our key partners are the Police who we work closely with to address a range of public safety concerns and where applicable to ensure residents can live free from ASB or crime.
- 2.3 The PPASB team has been subject to a management of change approximately 18 months ago. This resulted in the PPASB Officers moving to the same job descriptions opposed to the previous arrangement of them being specialist Officers.
- 2.4 This report sets out some of the key achievements and work that the teams have completed and are currently working on to improve the city for our residents and visitors.

3. Background

- 3.1 The Public Protection and Anti-Social Behaviour (PPASB) Team covers a broad range of areas. The core services provide a combination of both proactive and reactive actions designed to protect individuals, the community, and the amenity of the city.
- 3.2 The core service areas are:
- Anti-Social Behaviour
 - Noise
 - Animals
 - Pests/ Condition of gardens
 - Accumulations of waste
 - Fly-Tipping investigations
 - Licensing Consultations
 - Artificial Light from premises

- Smoke, Fumes or Gasses from premises.

3.3 The PPASB Service consists of 1 Team Leader, 5 Technical Officers, 1 Technical Assistant, 1 Admin Assistant, 1 Apprentice and a Police Constable ASB Officer.

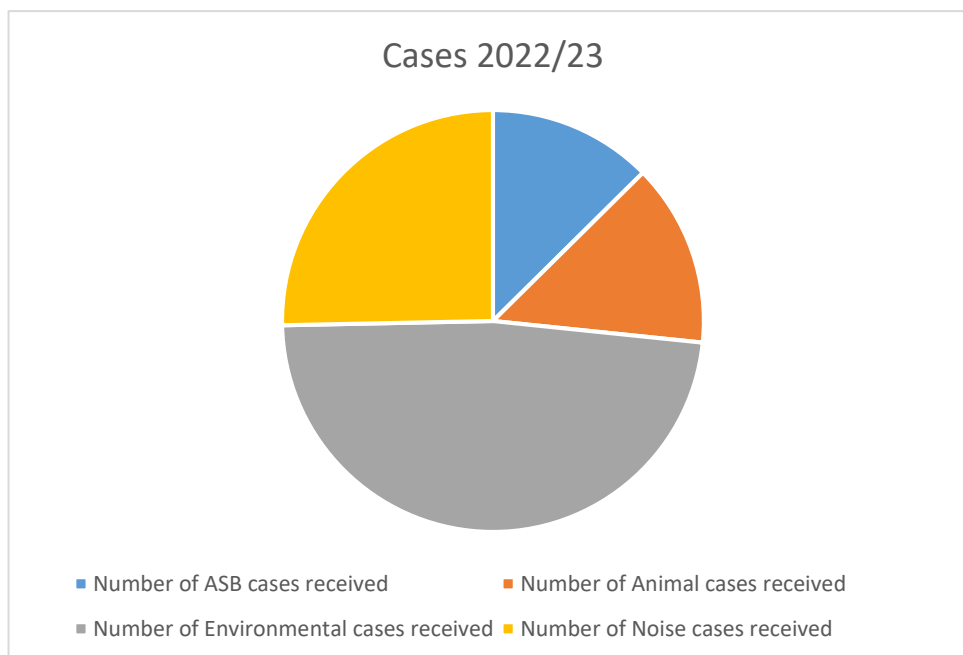
4. Service Demand

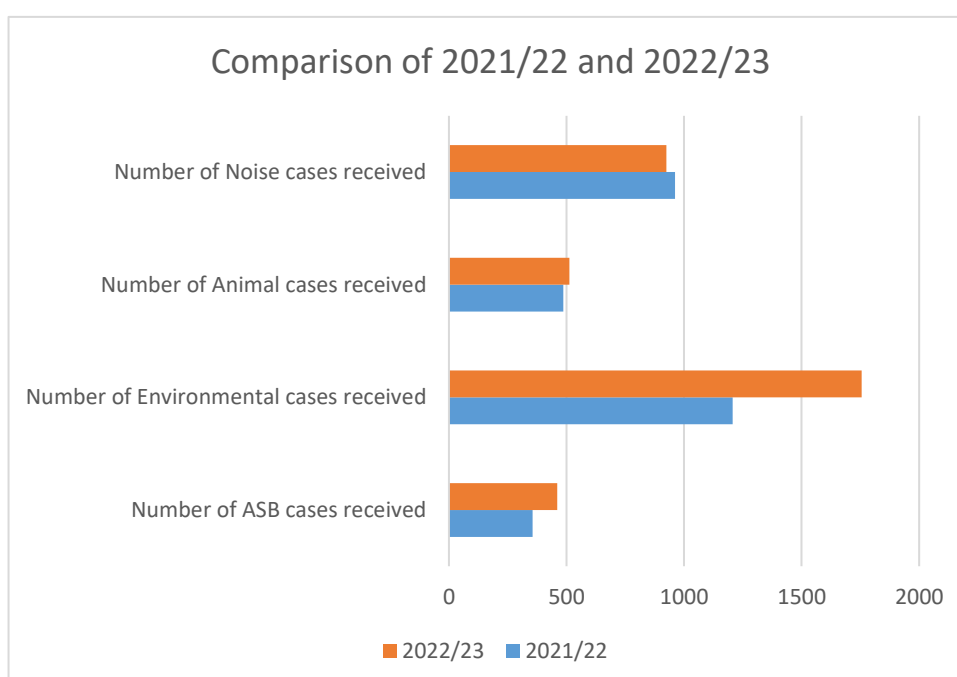
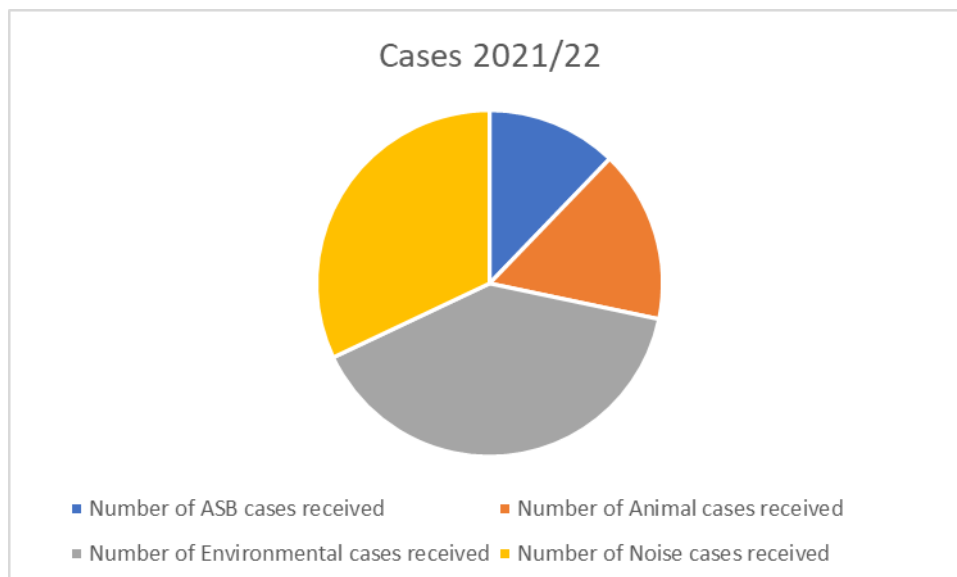
4.1 From 1st April 2022 to 31st March 2023 the PPASB Team received 4049 requests for service across all their service areas including Anti-Social Behaviour, noise nuisance, animal related concerns, environmental issues such as fly tipping, and pests.

4.2 In 2017/18 the service demand was 3205 requests
 In 2018/19 the service demand was 3183 requests
 In 2019/20 the service demand was 2781 requests
 In 2020/21 the service demand was 2523 requests
 In 2021/22 the service demand was 3815 requests
 In 2022/23 the service demand was 4049 requests

The figures above show that during covid, service requests dropped however service demand has now exceeded pre-covid levels. Service demand continues to rise post covid and there is a 26.3% increase in service demand when comparing the pre covid demand of 3205 (Year 17/18) with the last financial years demand of 4049 (Year 22/23). The service demand for Quarter 1 of 23/24 remains high at 966, which suggests demand remains stable and high for the year 23/24.

4.3 The below charts show the service demand by category:





5. Enforcement Actions

5.1 In most cases, it is possible for the team to resolve complaints without taking formal enforcement action, this is done through advice and guidance, through letters, visits, informal mediation and agreeing parameters, and seeking support from partners. The PPASB team has served a total of 228 Community Protection Warnings (CPW's) during 22/23, which is an example of how early warnings and intervention can resolve issues.

In a few cases it is necessary to undertake formal enforcement. This could be the service of a legal notice requiring action, the issuing of a Fixed Penalty Notice, seeking an injunction, seeking a closure order, working with Housing to seek possession or a prosecution.

Improving communication and joint working opportunities between the Housing and PPASB team has been a focus over the past year. This allows for effective problem solving using the tenancy agreement alongside the tools and powers available to the PPASB team.

5.2 See Appendix A for enforcement figures.

6. PPASB Post Covid-19

6.1 Through the initial part of Lockdown due to homeworking, furlough, and vacancies some of the PPASB services were postponed or delivered differently. The team has now adapted to new working arrangements which is a balance of home working and working from City Hall. These arrangements are monitored to ensure that the right balance is maintained to ensure service delivery and support staff wellbeing.

6.2 PPASB Management of Change (MOC)

Post covid a decision was taken to review the way the team operates. This was necessary to increase resilience, provide succession planning and to enable us to respond to the rising case levels. The MOC has facilitated all technical officers working to the same Job Description and looking to update their skills across the full range of PPASB functions. The implementation of this is likely to be phased and so the full benefit will not be realised until 2024/25.

The past year has seen the team undergo training across a variety of the team's functions. This included Statutory Nuisance, Anti-Social Behaviour tools and powers and the Police and Criminal Evidence act.

6.3 Management and Staffing Changes

The team has been subject to several staffing changes during 22/23. This has impacted the capacity of the team during the year as recruitment and training has been the focus of attention.

The current Service Manager came into post in September 2022.

The current team leader came into post in October 2022.

During the year 22/23 the following recruitment took place:

- Two Technical Officers (following resignations)
- One Support Assistant Post (following a promotion of previous post holder)
- One part time Technical Assistant (following a reduction in hours from the full-time post holder)
- One Apprentice (Vacant post filled)

7. Anti-Social Behaviour Co-Ordinator (ASB Police Officer)

7.1 The ASB PC works for Lincolnshire Police and is embedded within the PPASB team. The PC works closely with the PPASB and Housing team to share tools and powers to tackle ASB.

7.2 Lincolnshire Police have announced that this role, along with the other ASB PC roles across the county, will come to an end in October of 2023.

8. City Centre

8.1 City Centre Tasking Meetings enable information sharing, priorities to be decided, resources to be coordinated and understood and emerging issues to be identified and fed into the city centre and uphill management meeting.

CCTV, Police, Car Parking Services, Lincoln BIG, Project Compass and the Rough Sleeper Team meet on a fortnightly basis to discuss ongoing and emerging issues within the city centre and our multi-Story Car Parks.

This group share intelligence and formulate an operational response to issues alongside setting and reviewing priorities for the two weeks ahead at each meeting. The group tackled some serious Youth ASB issues in the multi-Story Car Parks, via an operation led by the Police. This resulted in approximately 50 Youth ASB warning letters being served following the Safer Lincolnshire Partnerships Youth ASB protocol.

- 8.2 The PPASB Team works closely with the University of Lincoln, the Students Union, and the Neighbourhood Policing Teams to ensure that where complaints are received either by or about students they are responded to quickly and robustly with a joined-up approach.
- 8.3 The PPASB team works closely with the CCTV and Licensing teams to actively monitor and enforce ASB, Crime and Licensing issues in the City Centre. The evidence provided by CCTV is key to any disruption or enforcement action.
- 8.4 Criminal Behaviour Orders (CBO's) have been used to effectively enforce against repeat begging and shop lifting offenders. The Police ASB Co-Ordinator has been at the centre of these highly effective orders.

9. Public Space Protection Orders (PSPO's)

- 9.1 There are currently three active PSPO's:
 - 1. A PSPO that covers the City Centre (and wider) that prohibits the consumption of intoxicating substances or having an open container of alcohol.
 - 2. A PSPO that covers three Multi-Storey Car parks (more detail in 9.2 below).
 - 3. A PSPO which prevents access to St Peters Passage.
- 9.2 In August 2020 Policy Scrutiny Committee and Executive approved proposals to introduce a PSPO to prevent access to Lucy Tower Street, Broadgate and Central Multi-Story Car Parks unless parking a car or returning to a parked car. The PSPO also prohibited consuming intoxicating substances or having an open container of alcohol as well as prohibiting any other ASB or activities likely to cause harassment alarm or distress. The PSPO makes it an offence not to leave the area when requested to do so by a council employee or police officer.

This PSPO expires in October 2023 and a report has been created to propose that the PSPO is extended for a further three years. This proposal is due to be heard at Police Scrutiny Committee followed by Executive.

10. Partnership Working

10.1 University and Students Union

The service continues to have a good and productive working relationship with the University, particularly around tackling student issues across the city. The teams will work closely together to continue to support students and communities to co-exist.

10.2 **Police**

The PPASB service continues to work closely with both the Neighbourhood Policing Teams within the wider city and the City Centre. The Police and Council Officers work in partnership on a variety of matters such as City Centre tasking, joint working with Housing, PPASB and Licensing, and any other enforcement matters where there is a presence of ASB and Crime.

10.3 **The Rough Sleeper Team**

The Rough Sleeper Team was launched in 2018 with the aim of providing additional bed space with a housing first approach for those who are homeless. The service has grown and developed over the last 5 years and remains a key partner for PPASB when looking to resolve ASB that involves individuals who may be or have been homeless. We also work closely with them to support those entering or leaving rough sleeper accommodation.

11. **Forward Look**

- 11.1 Over the next 12 months there will be a focus on the upskilling of the already established and newly appointed team members. This will allow the team to become more responsive to issues and could see the implementation of more proactive enforcement in areas such as the City Centre.
- 11.2 Demand across all services provided by the team is expected to remain high. This puts pressure on the team to respond, investigate and enforce against 4000 plus service request per year.
- 11.3 The removal of the ASB Co-Ordinator role by Lincolnshire Police is a risk to the service. Work is underway to improve joint working, training and communication between the Police and Council teams. Joint training sessions are being organised.

12. **Strategic Priorities**

12.1 Let's drive economic growth

This is met by enhancing our city centre and retail area in both the daytime and night time economy by providing a safe and attractive city.

12.2 Let's reduce inequality

This is met by holistically protecting and supporting some of society's most vulnerable and overlooked groups.

12.3 Let's enhance our remarkable place

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

13. **Organisational Impacts**

13.1 Finance (including whole life costs where applicable)

Not applicable

13.2 Legal Implications including Procurement Rules

Should formal enforcement levels rise this will have a resource implication for legal services.

13.3 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.

The work of the PPASB Team is to protect individuals from harm and / or nuisance.

As this report provides an update on services provided and does not recommend any changes to policy or procedure an Equality Impact Analysis has not been undertaken.

13.4 Human Resources

Not applicable.

13.5 Land, Property and Accommodation

Not applicable

13.6 Significant Community Impact

Not applicable.

13.7 Corporate Health and Safety implications

Not applicable.

14. Risk Implications

14.1 Options Explored

Not applicable.

14.2 Key Risks Associated with the Preferred Approach

Not applicable.

15. Recommendation

15.1 That the Committee notes the report.

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?	Appendix A – Enforcement Figures
List of Background Papers:	None
Lead Officer:	Ben Jackson, Public Protection, ASB & Licensing Service Manager Email: ben.jackson@lincoln.gov.uk

Appendix A
01/04/2022 - 31/03/2023

ENVIRONMENTAL ISSUES	
Littering FPN's	1
Littering Prosecutions	0
Dog Fouling FPN's	0
Dog Straying FPN's	0
Fly tipping CPN's	1
Fly tipping FPN's	5
Fly tipping Prosecutions	0
Bins on streets CPN's	20
Bins on streets FPN's	13
NOISE ISSUES	
Noise Abatement Notices	8
Noise Prosecutions	0
Noise Warrants	0
Noise CPN's	1
GENERAL ASB ISSUES	
ASB CPN's	5
Prosecutions	0
Injunctions	2
CBO's	13
Closures	1
CONDITION OF PROPERTY RELATED ISSUES	
PDPA Notices	5
Condition of Garden or Property Notices, Inc F & V	6
Subsequent FPN's	1
CPN's	2
OTHER ENFORCEMENTS	
Prosecution for microchipping of dogs	1
CPN for dog attack on person	1
Microchipping notice	1

Appendix A
01/04/2022 - 31/03/2023

Statutory Nuisance Notice (Light Nuisance)	2
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