

POLICY SCRUTINY COMMITTEE

Tuesday, 9 January 2024

6.00 pm

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

Membership: Councillors Emily Wood (Chair), Calum Watt (Vice-Chair),
Debbie Armiger, Liz Bushell, Natasha Chapman, Bill Mara and
Mark Storer

Substitute member(s): Councillors Martin Christopher, Clare Smalley, Dylan Stothard,
Pat Vaughan and Aiden Wells

Officers attending: Democratic Services, Ben Jackson and Michelle Hoyles

A G E N D A

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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 Emily Wood (*in the Chair*),
Councillor Calum Watt, Councillor Liz Bushell,
Natasha Chapman, Councillor Bill Mara and Councillor
Mark Storer

Apologies for Absence: None.

15. Confirmation of Minutes - 15 August 2023

RESOLVED that the minutes of the meeting held on 15 August 2023 be confirmed and signed by the Chair.

16. Matters Arising

Councillor Calum Watt referred to minute number 14 and advised that an update on the Transfer of Museum Artifacts to Lincolnshire County Council would be provided to the next meeting of the Historic Environment Advisory Panel.

Michelle Hoyles, Business Manager Corporate Policy and Transformation referred to minute number 14 in relation to the Armed Forces Covenant and advised that any specific policies that may be revised, updated or created as part of the partnership work through the Lincolnshire Armed Forces Covenant Partnership would be brought to Policy Scrutiny Committee at the appropriate time. There was a meeting due to be held on 1 November 2023 that would set out revised terms of reference for the group and a new proposed framework for the county to help progress the work of the partnership.

Councillor Calum Watt, advised that the Armed Forces Covenant would be discussed at the March meeting of Community Leadership Scrutiny Committee. Michelle Hoyles, responded that advice would be sought to confirm whether it would be best for the item to be considered at Policy Scrutiny Committee or Community Leadership Scrutiny Committee as it would be a duplication of work for it to go to both Committees.

17. Declarations of Interest

No declarations of interest were received.

18. Waste Collection & Street Cleansing Specifications (For New Contracts From 1/9/2026)

Steve Bird, Assistant Director of Communities and Street Scene introduced the report and made the following key points:

- a. presented a report to provide an update on the specification of the waste collection and street cleansing contract prior to commencing procurement, with specific reference to comments received in the All-Member workshops.
- b. explained that the Council had two contracts for street scene services: street cleansing and grounds maintenance, and waste collections. Both of these contracts would end on 31st August 2026.

- c. further explained that the new contracts would commence on 1st September 2026 and would be realigned and packaged as two separate contracts: waste (which included recycling and other domestic waste streams) and street cleansing, and a separate grounds maintenance contract.
- d. explained that there were specialist vehicles required, and that the lead-in time for procuring the vehicles was currently two years, therefore procurement needed to commence in November 2023.

Caroline Bird, Community Services Manager (Programme) gave a detailed overview of the proposed waste/cleansing contract specifications and covered the following key points:

- a. advised that the Council would require its contractors to pay their staff in accordance with the Real Living Wage as a minimum.
- b. explained that the waste/cleansing specification had been drafted and was summarised at Appendix A of the report.
- c. further explained that the changes in Appendix A were just material changes which may be noticeable to service users. Many other changes had been made in the interests of cost control, clarity, ease of navigation, ease of operational use and understanding.
- d. detailed the issues highlighted at member workshops, actions taken to address these issues and the anticipated impact on cost.
- e. updated that since the publication of this report, the contract had been amended to reflect that side waste collections were unlikely to be allowed by 2026.
- f. invited members questions and comments:

Question: What was side waste?

Response: Side waste was rubbish that had been put at the side of the bins rather than inside of the bins. At the moment recycling was collected from side waste. However, due to the risk of contamination it was unlikely to be allowed to continue by 2026.

Comment: There were issues with collections at narrow roads within Boutham Ward. It would be interesting to see how this would be addressed and written into the contract.

Question: What was the length of the contract?

Response: The contract was for 8 years and 7 months, which would bring it in line with the financial year. There was the option to extend the contract for a further 8 years if both parties were happy to continue.

Question: It was currently expected that separate collections for paper and card would be introduced in the future, and it would be likely to change in future to have other separate collections. How would this affect the contract?

Response: There was a flexibility clause in the contract. The Council and the contractor would be obliged to work together to address any future changes.

Question: Would there be an extra charge for changes or additional collections?

Response: Would there be an extra charge for changes or additional collections?

Response: Yes, the contractor would be required to provide costs to ensure value for money. The type of contract meant that the contractor could look to make changes to improve efficiency. If there were fundamental changes to the service, suggested by the contractor, the benefits would be shared between the contractor and the Council.

Question: How would the “in cab” technology work?

Response: A tablet would be integrated into each cab which would instantly report updates from the cleansing and collection crews. This would enable customer services staff to have the relevant information much faster to deal with customer enquiries.

Question: To what extent were the changes to the service driven by costs rather than providing a better service?

Response: The contract would provide best value for money whilst reducing the risk to contractors. We were trying to achieve a balance between value for money and providing a statutory duty. There was no expectation there would be a deterioration in the service provided.

Question: Why had the routine sweeping of car parking bays been removed from the specification?

Response: The sweeping of car parking bays referred to some council housing areas, it was an anomaly in the current contract and a decision was made by the Director of Housing and the Portfolio Holder for Quality Housing to remove this from the specification.

Question: Would there be a smaller charge for garden waste collections if there was a reduction in the service?

Response: This would be a decision to be made by Members through the democratic process.

Question: Should the cleansing of bridges, lifts and stairs be maintained and paid for by Network Rail?

Response: Yes, but their response times were slow and it did not reflect well on the City. The lifts, stairs and bridges would be treated the same as the surrounding streets. It was not a significant part of the contract cost.

Question: What was on-street recycling bins?

Response: It was where litter bins in the street gave recycling options to people disposing of waste while out and about. The Council was not in a position to offer this service yet but it was hoped to introduce the service in the future. It would need to be agreed with Lincolnshire County Council.

Comment: People often did not know what to do if they received a label on their bins for contamination.

Response: It was a balance between discouraging contamination but also not making it too difficult for people to recycle. Some more work on education and enforcement was required.

Question: Would it be possible to move to compostable refuse bags in the future?

Response: The Lincolnshire County Council waste handler had to be able to handle the materials. We were currently waiting for a reply from Lincolnshire County Council regarding the bags. It had been written into the contract that we would like to use alternative bags such as compostable material in the future. The contractor would be expected to work with us to identify alternative bags.

Question: Had any consideration been given to re introducing the Saturday waste service (Civic Amenity Service) where residents could take their waste to a nominated point?

Response: It was not possible to reintroduce this service due to health and safety legislation. There were also issues of businesses taking advantage of the service and an increase in fly tipping at the sites. People would leave their rubbish at the site even if they did not know the collection day.

Question: Some residents did not know what contamination was. What was the communication plan to address this?

Response: With regards to the changes to the contract, a communication plan would be drawn up in due course and would provide plenty of time to advertise any changes. In general terms we were mindful that levels of contamination were high and we would be taking steps to address this. There would be a campaign running up to Christmas.

Question: Currently refuse sacks were provided inside a bag rather than a roll, the bag was not needed, could this be changed?

Response: This would be discussed with the current contractor, and the wording in the new specification would be amended.

RESOLVED that the content of the report be supported and referred to Executive for consideration.

19. Parks and Open Spaces - Income Policy

Steve Bird, Assistant Director Communities and Street Scene:

- a. presented a policy document that set out a framework for permitting charges to be levied, in some instances, for matters relating to parks and open spaces, so as to generate income in support of these sites.
- b. explained that parks and open spaces had a vital part to play in supporting many of the Council's future ambitions for the City and its residents.
- c. advised that funding was required and that in the current economic climate, it was unlikely to be forthcoming for some years.
- d. gave an overview of the proposed policy and explained that it was careful to set clear policy where possible, but where it was not possible, it established a suitable decision-making route with accountability.
- e. referred to the proposed Charging Policy attached as Appendix 1 of the report and advised that it is intended to: generate income in support of parks and open spaces, enthuse stakeholders to generate income for parks initiatives, and that it was not intended to deter use of the spaces.
- f. invited committee's questions and comments:

Question: Could reassurance be given that the policy would not deter people from using parks and outdoors spaces for activities such as wedding photographs?

Response: People using parks for this purpose already made voluntary donations to the parks. We did not want to deter people from using the parks, so opportunities for waivers had been built into the policy.

Question: What was the threshold for using the space for an event and how would the Council ensure that people were paying the charge?

Response: We would charge for formal use of the parks and open spaces however, we would not levy a direct charge for impromptu, casual, and informal use. We were aware of businesses using the sites and would approach them to ask them to pay a fair and reasonable charge.

Question: Was there a more detailed list of activities that would be charged for?

Response: A short life working group would be established to look at ways the policy would be used. For example, we would not seek a charge for community groups using the parks and open spaces if their aims aligned with the Council's,, but if someone was running a business (e.g. a bootcamp) then it would be fair and reasonable to ask them to pay.

Question: Would the money generated be used on the parks and open spaces?

Response: Yes. It was proposed that all income was ringfenced. If significant funds were generated it would be brought to Councillors to decide how the money would be used.

Steve Bird, Assistant Director Communities and Street Scene reiterated that it was not the intention to charge directly for informal use of the parks and open spaces or to deter people from using the spaces. However, if people were generating an income from the sites, then it was fair and reasonable to charge for their use

RESOLVED that the report be noted.

20. Localised Council Tax Support Scheme 2024/25

Tracey Parker, Revenues and Benefits Manager:

- a. presented the proposed scheme for Local Council Tax Support for the financial year 2024/25 and accompanying Exceptional Hardship Payments Scheme, as part of the formal consultation period.
- b. gave the background to the scheme as detailed at paragraph 2 of the report and advised that there were currently 8458 residents claiming Council Tax Support in Lincoln.
- c. advised that there were 2,591 pensioners in receipt of Council Tax Support and they were protected under the legislation so that they would not be affected by any changes made to the Council Tax Support Scheme.
- d. further advised that there were 5,867 working age claimants who would be affected by any changes made to the scheme, and as such any potential reduction in support being provided. This figure includes those working age customers considered 'vulnerable'.

- e. highlighted the impacts of Covid-19 on the amount of Council Tax Scheme awarded, with significant increases in caseload and cost of the scheme as detailed at paragraph 3 of the report.
- f. referred to paragraph 4 of the report and gave an overview of the current Council Tax Support Scheme.
- g. advised that based on the current core elements of the existing scheme, caseload increases of 0% and 5% had been modelled, along with Council Tax increases of 1.9% and 2.9%. These were summarised in Appendix 1 of the report which gave an indication of the potential cost and savings to the City of Lincoln Council. Also included was the potential value for non-collection (based on projected collection in the tax base of 98.75%)
- h. explained that as a billing authority the Council could decide whether or not to amend core elements of its Council Tax Support scheme each year. Schemes being consulted on were summarised at Appendix 1 of the report.
- i. referred to paragraph 5.3 and 5.4 of the report and explained the technical amendments and assumptions that had been made in developing the modelling for each Council Tax Support Scheme.
- j. reported that the options considered for consultation by Executive on 18 September 2023 were as follows:
 - Option 1: No change to the current scheme;
 - Option 2: Introduction of a 'banded scheme' for all working age customers (as detailed at paragraph 5.6 of the report)
- k. referred to paragraph 5.8 of the report which detailed the Exceptional Hardship Payments Scheme and proposed an Exceptional Hardship Budget of £35,000 be put in place for 2024/25.
- l. asked for Committee's consideration and comments as part of the formal consultation process.

Question: Did the exceptional hardship fund start from the beginning of the financial year?

Response: Yes, the proposal was to increase the exceptional hardship fund to £35k. It was expected that more claims would be made next year if we moved to a banding scheme.

Question: Could members have a copy of the consultation letter?

Response: The letter was available on the website; however a copy of the letter could be circulated to members following the meeting.

Question: Did members of the public have access to a hard copy of the consultation letter?

Response: We encouraged online responses to the consultation; however a hard copy could be provided on request.

Question: When did the consultation start?

Response: The consultation started on 2 October and would end on 13 November 2023.

RESOLVED that:

1. That consultation on a 'no change' scheme for 2024/25 be supported.
2. That consultation on a working banded scheme for 2024/25 be supported as well as further detailed modelling of a working age banded scheme for 2024/25 to take place.
3. The Exceptional Hardship Scheme of £35,000 for 2024/25 be supported.

21. Corporate Document Review 2023

Michelle Hoyles, Business Manager Corporate Policy and Transformation:

- a. presented a report to provide this year's corporate document review, and to summarise how the Council continued to ensure its corporate strategies, policies and other key documents were regularly reviewed and updated.
- b. explained that a project commenced pre-pandemic to identify and collate a list of all corporate documents approved by the Council and to develop a means to regularly review and update them.
- c. advised that a list of all corporate documents was detailed at Appendix 1 of the report and explained that most documents had been reviewed and updated this year with the latest versions available on Netconsent.
- d. referred to paragraph 3.3 of the report and outlined the small number of documents that were either complete and awaiting formal approval for any required changes, or a review was currently underway.
- e. invited committee's questions and comments.

RESOLVED that the report be noted.

22. Scrutiny Annual Report 2022/23

Claire Turner, Democratic Services Officer:

- a. presented the Scrutiny Annual Report for 2022/23 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 2022/23.

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

23. Health Scrutiny Update

The Chair of Policy Scrutiny Committee explained that she was unable to attend the Health Scrutiny Committee which was held on 13 September 2023. She was also unable to find a substitute to attend in her place.

An update would be provided at the next Policy Scrutiny Committee.

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

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 2023/24 and Executive Work Programme Update'.
- b. presented the Executive Work Programme September 2023 – August 2024.
- c. requested Councillors submit what items they wished to scrutinise from the Executive Work Programme and policies of interest.
- d. invited members questions and comments.

Members made no further comments or suggestions regarding the Policy Scrutiny work programme.

RESOLVED that:

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

SUBJECT: PROPOSALS FOR THE EXTENSION OF EXISTING PUBLIC SPACE PROTECTION ORDER IN THE CITY CENTRE.

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

LEAD OFFICER: BEN JACKSON, PUBLIC PROTECTION, ANTI-SOCIAL BEHAVIOUR AND LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Policy Scrutiny Committee members on the process and consideration given to date, to extend an existing Public Space Protection Order in the City Centre.
- 1.2 To seek the views of the Policy Scrutiny Committee on proposals regarding the extension of the existing Public Space Protection Order (PSPO) prior to its consideration by the Executive.

2. Executive Summary

- 2.1 In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour. These powers also make changes to some of the relevant existing legislation and the Council is required, within the period of three years, to reconsider its Designated Public Place Orders (DPPOs) and either withdraw or replace them with new Public Space Protection Orders (PSPOs).
- 2.2 The PSPOs are more flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the behaviour unreasonable.
- 2.3 In February 2021 the Executive approved the extension of an already implemented PSPO covering an area of the City Centre. The PSPO prohibited the following behaviours within the designated areas (see Appendix A):
 - 1. No person in the restricted area shall engage in any of the following activities: ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance unless for an exempted use;
 - 2. Any person within the restricted area who breaches the prohibition in paragraph (1) shall surrender any intoxicating substances in their possession to an authorised person.
- 2.4 A PSPO has a maximum duration of 3 years. It is therefore advisable to review the order after 3 years to determine whether it should be subject to extension or variation. As part of the review, we have sought the views of both the public and relevant partner agencies by way of a public and partner consultation, this

consultation has also been published on social media for greater reach. This consultation period opened on Wednesday 22 November 2023 and closed on Wednesday 20 December 2023.

- 2.5 We have also collated and considered data held by the City of Lincoln Council.
- 2.6 The consultation sought views on questions outlined in 5.1.
- 2.7 The City of Lincoln, much like other towns and cities nationally, has a recurring issue with Anti-Social Behaviour and Crime within the City Centre. Whilst the council and its partners are working collaboratively to address the complex issues of individuals with a holistic approach, there remains a clear need for deterrent and enforcement tools such as those offered by a PSPO.

3. Public Spaces Protection Orders

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

The first condition is that—

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities—

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) Justifies the restrictions imposed by the notice.

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

- 3.3 A Public Space Protection Order is an order that identifies the space to which it applies ("the restricted area" within which the impact has or is likely to occur[ed]) and can make requirements, or prohibitions, or both within the area. This means that the local authority can, by virtue of the order, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the order is having the required effect. Thereafter it can be extended for

a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.

- 3.4 Failure to comply with either a prohibition, or requirement, within the order is an offence. Upon summary conviction (offences heard within the Magistrates Courts) defendants can face a fine not exceeding level three on the standard scale (currently £1000). The defendant cannot be found guilty of an offence under a prohibition/requirement where the local authority did not have the power to include it in the order. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN). The fine attached to a FPN is £75 reduced to £50 if paid within two weeks.

4. The Current PSPO

- 4.1 In February 2021 the council enacted a Public Space Protection Order under the Anti-Social Behaviour Crime and Policing Act 2014.
- 4.2 In the area defined by the attached order and map shown in APPENDIX A, the following prohibitions apply:
1. No person in the restricted area shall engage in any of the following activities: ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance unless for an exempted use;
 2. Any person within the restricted area who breaches the prohibition in paragraph (1) shall surrender any intoxicating substances in their possession to an authorised person.
- 4.3 A PSPO may not last more than 3 years so should be reviewed after 3 years and may then be extended for a further period of up to 3 years (the PSPO can be extended more than once). As part of the review the PSPO may be amended to add or remove prohibitions or requirements, the geographical area may be altered or the order may be discharged.

5. The consultation

- 5.1 On Wednesday 22 November 2023 a public and a partnership consultation was launched. The consultation lasted 28 days and closed on Wednesday 20 December 2023 (See Appendix B). As part of the consultation the public and partners were approached seeking their views and any evidence, they may hold regarding the renewal of the PSPO;
1. Should the requirement not to consume alcohol remain as part of the PSPO.
 2. Should the requirement not to ingest, inhale, smoke or otherwise use intoxicating substances remain as part of the PSPO.
 3. Are there any other issues that you believe should be considered for inclusion in the PSPO? Please provide evidence of this issue. Evidence might include the number of reports, photos etc.
 4. Is the area designated by the PSPO still appropriate.

- 5.2 We have directly approached all members of the Lincolnshire Community Safety Partnership (Safer Lincolnshire Partnership) as well as approaching the following partners;
- Lincolnshire Police,
 - Lincoln BIG,
 - P3,
 - Framework,
 - Addaction.
 - YMCA
 - ARC
 - Public Health at LCC
- 5.3 The consultation has been available on our website and in addition to this City of Lincoln Communications team have put out information of the public consultation via social media to improve our reach.
- 5.4 In responses to the consultation we have received a total of 4 partner responses and 12 responses from the public.
- 5.5 All 4 of the partner responses called for the existing PSPO to remain in place. 9 of public responses called for the PSPO to remain in place, with the other 3 disagreeing.
- 5.6 Given the low response rate from both the public and partners it is concluded that partners and the public are broadly happy with the PSPO in its current format.

6. The geographical area of the PSPO

- 6.1 The PSPO covers the area of the City Centre displayed on the map within appendix A.

7. Evidence

- 7.1 Feedback from partners including Lincolnshire Police, the CCTV team and from the Rough Sleeping Team is that the PSPO remains a useful tool. It is important to recognise that this PSPO is an effective deterrent, and the feedback suggests that colleagues and partners find it a very useful tool for tackling street drinking and drug use within the area. See Appendix B for the full consultation responses.
- 7.2 Lincolnshire Police respond to incidents within the City Centre. The Neighbourhood Inspector for the City Centre has provided the following in a statement:

Yes, this is a useful tool for us the police to have and also contributes to the pleasant atmosphere in the city. It would be more intimidating to users of the city centre if we didn't have this as it would allow for stag/hen parties and homeless people to consume alcohol on the streets.

The Council and Police have not issued any Fixed Penalty Notice in relation to breaches of the current PSPO for the past 18 months. The prohibitions within the PSPO require individuals to surrender the alcohol prior to a Fixed Penalty Notice being issued. The data on the number of instances where alcohol has been

surrendered is not currently recorded. The Council will have more resources available in January 2024 which will allow for enforcement and engagement of the PSPO.

8. The Proposal

- 8.1 To renew the existing Public Space Protection Order without any variations, for a further 3 years.
- 8.2 Members would need to be satisfied that the legal conditions, laid out above, have been met. Officers' view is that these requirements have been met based on:
- Feedback from the consultation attached as APPENDIX B.

9. Implementation

- 9.1 Implementation of this order, legally, would require a public notice to be published, This would be done through a formal notice in the local newspaper, notification on our website and press releases through media outlets.
- 9.2 Although not necessarily a statutory requirement, it is recommended that signage be clearly displayed in the PSPO area.

10. Enforcement

- 10.1 In relation to enforcement of the PSPO the following officers can enforce it;
- Lincolnshire police
 - Authorised Council Officers
- 10.2 Each breach of the PSPO will be carefully considered on a case-by-case basis. The main purpose of the PSPO is to act as a deterrent. The feedback to the consultation demonstrates that the main benefit of this PSPO is that it acts as a deterrent.

11. Implications

- 11.1 Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the extension of the Order states that "interested persons" may challenge the validity of any order in the High Courts. This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks, beginning on the day the Order is made or varied. There are three grounds upon which a challenge could be made, these are:
- That the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)
 - That a requirement under this element of the legislation not complied with in relation to the order or variation
 - The High Court would have the power to quash, amend or uphold the order.
- 11.2 The penalty for breaches of this order relate to fines alone, which may lead to significant levels of non-payment. The suite of powers available however would allow

officers to utilise a range of measures for those identified as persistently breaching the order, for example:

- Community Protection Notices could be issued against the individuals
- A Civil Injunction may be sort which contains prohibition or positive requirements. The sanctions for breaching and Injunction can include a prison sentence in extreme cases.
- A Criminal Behaviour Order could be sought. Breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries both tougher sanctions, along with the ability to implement positive conditions requiring support for substance misuse issues.

12. Strategic Priorities

12.1 Let's drive economic growth

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

12.2 Let's reduce inequality

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

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

Enforcement costs under this order will be met by existing Police staff. Any supplementary enforcement will form a part of the role of the Public Protection and Anti-Social Behaviour Officers. There are some internal costs for consultation and a small cost associated with the publication of the Order and stationery for FPNs along with signage. These will be met from within existing budgets.

Income from FPNs is expected to be small and will be used to cover the associated costs of implementing the proposal.

13.2 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

13.3 Equality, Diversity & Human Rights (including the outcome of the Equality assessment- Appendix C)

An Equality Analysis has been undertaken and is attached. The proposal does not disproportionately affect any protected group and complies with legislation to have regard for Human Rights in developing procedures.

The Council and Police work closely with partner agencies such including drug and alcohol services and mental health teams, to support individuals that may engaging in any of the prohibited behaviour outlined on the PSPO. There is a two weekly City Centre Tasking meeting which is a multi-agency meeting that have the aim of resolving ASB and/or crime in the City Centre. Partners such as the Councils Rough Sleeping team attend to provide support to any cases involving rough sleepers.

13.4 Human Resources

No current implications.

13.5 Land, Property and Accommodation

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

13.6 Significant Community Impact

This report identifies a proposal that has the potential to deliver a significant positive community impact if used to its full potential.

13.7 Corporate Health and Safety implications

There are health and safety consideration regarding approaching potential perpetrators who are in breach of the PSPO however the teams involved, namely the Police and Council teams, have risk assessments in place to manage and mitigate the risk. There is also good CCTV coverage in the city centre.

14. Risk Implications

14.1 (i) Options Explored

1. Extend the existing PSPO.
2. Extend and vary the PSPO to reword the prohibitions and / or change the geographical area.
3. Not extend the existing PSPO

14.2 (ii) Key risks associated with the preferred approach

There is a risk that expectations will be raised by this order which agencies cannot meet. The order may not resolve the issues.

15. Recommendation

15.1 To comment on the proposal to extend the current PSPO without any variations to the prohibitions or location and refer comments for the consideration of the 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? 3

APPENDIX A – Existing PSPO Inc. Map
APPENDIX B – Consultation responses
APPENDIX C – Equality Assessment

List of Background Papers: None

Lead Officer: Ben Jackson – Public Protection, ASB & Licensing
Service Manager
Email: Ben.Jackson@lincoln.gov.uk

CITY OF LINCOLN COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 1 of 2015 (the “2015 Order”)

REVIEWED, RENEWED AND VARIED FOR A PERIOD OF 3 YEARS.

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This extension to and variation of the 2015 Order may be cited as the City of Lincoln Council Public Spaces Protection Order Number 1 of 2021 (“this Order”).

The City of Lincoln Council (“the Council”) in exercise of its powers under Sections 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following order:

1. Pursuant to the 2015 Order and the Public Spaces Protection Order Number 1A of 2018 (the “2018 Order”), this Order shall come into operation on 27 February 2021 and under the provision of Sections 60 and 61 of the Act affects the 2015 Order and the 2018 Order.
2. The 2015 Order, as varied and extended by the 2018 Order, shall have effect for 3 years hereafter, unless discharged, varied, or extended by further orders under the Council’s statutory powers.
3. This Order relates to that part of the City of Lincoln as shown edged red on the attached plan (“the exclusion zone”).
4. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that anti-social behaviour and criminal activities have been carried out within the exclusion zone through the use of intoxicating substances. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that activities will be carried out within that area and have such an effect.
5. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances justifiable to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

In this order:

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

An "exempted use" means where an intoxicating substance is:

- a. used for a valid and demonstrable medicinal use;
- b. cigarettes (tobacco) or vaporisers (for nicotine but not to include any other intoxicating substance); or
- c. a food stuff regulated by food health and safety legislation.

An "intoxicating substance" means substances with the capacity to stimulate or depress the central nervous system, including but not limited to alcohol, drugs and any Novel Psychoactive Substance as defined within the Psychoactive Substances Act 2016

It is ordered that:

- i. No person in the restricted area shall engage in any of the following activities: ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance unless for an exempted use;
- ii. Any person within the restricted area who breaches the prohibition in paragraph (i) shall surrender any intoxicating substances in their possession to an authorised person.

FIXED PENALTY NOTICES AND OFFENCES:

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

APPEALS AGAINST THIS ORDER

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

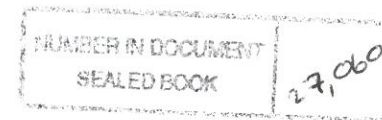
GIVEN under the **COMMON SEAL** of
the City of Lincoln Council

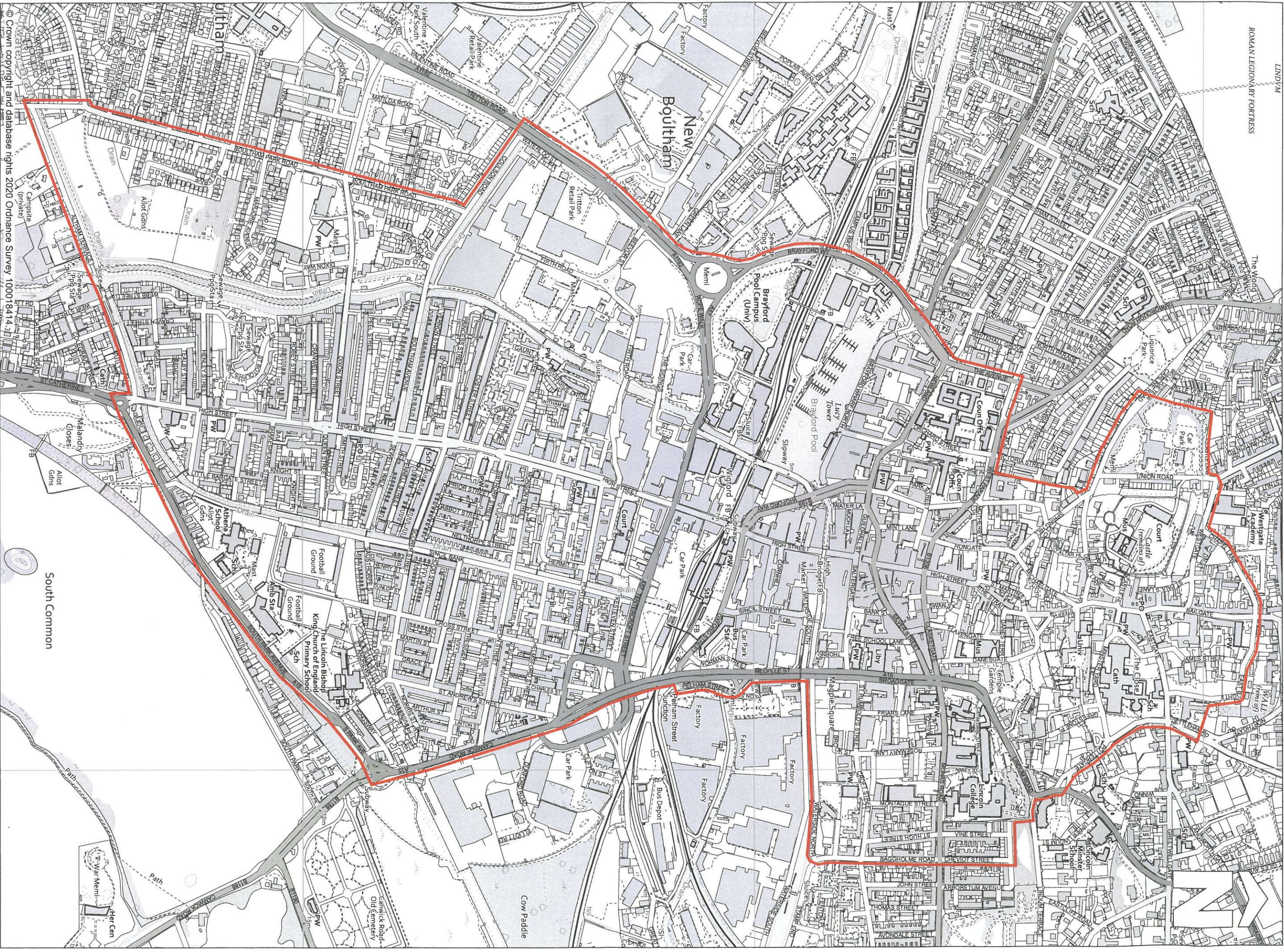
On [18 February 2021]

EXECUTED as a deed by affixing]
the **COMMON SEAL** of]
CITY OF LINCOLN COUNCIL]
in the presence of:-]

R. Nott
Authorised Officer

LEGAL SERVICES MANAGER
Designation





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Exclusion Zone

Scale: 1:7500 at A3

Version 1: 16-Dec-2020



APPENDIX B – CONSULTATION RESPONSES

PARTNER RESPONSES:

Lincolnshire Police:

1. Should the requirement not to consume alcohol remain as part of the PSPO. – Yes, this is a useful tool for us the police to have and also contributes to the pleasant atmosphere in the city. It would be more intimidating to users of the city centre if we didn't have this as it would allow for stag/hen parties and homeless people to consume alcohol on the streets.
2. Should the requirement not to ingest, inhale, smoke or otherwise use intoxicating substances remain as part of the PSPO. Yes, for the same reasons as above.
3. Are there any other issues that you believe should be considered for inclusion in the PSPO? Please provide evidence of this issue. Evidence might include the number of reports, photos etc. Is there scope to include those illegal street traders that pop up and sell illegal vapes etc. Lincoln BIG (Marion) has photographic evidence.
4. Is the area designated by the PSPO still appropriate (Map is attached as Appendix A). Yes.

As the Neighbourhood Policing Inspector for Lincoln City Centre, I would just like to add extra comments. As the primary enforcement agency, the PSPO is a very useful piece of legislation. It allows use to utilise the powers it gives when the threshold for statute law being broken has been met. E.G., my examples for questions one and two would allow use to maintain a safe and vibrant city, So if someone was not meeting the threshold for Drunk and Disorderly in a Public Place or sniffing aerosol from a can.

Rough Sleeping Team:

1. Should the requirement not to consume alcohol remain as part of the PSPO. Yes
2. Should the requirement not to ingest, inhale, smoke or otherwise use intoxicating substances remain as part of the PSPO. Yes
3. Are there any other issues that you believe should be considered for inclusion in the PSPO? Please provide evidence of this issue. Evidence might include the number of reports, photos etc. Perhaps the pitching of tents in the area in the area should be prohibited (injunctions previously sought to address this issue)
4. Is the area designated by the PSPO still appropriate (Map is attached as Appendix A). Yes

CCTV:

Q1 – Yes

Q2 – Yes

Q3 – No

Q4 – Yes

Housing Officer:

1. Should the requirement not to consume alcohol remain as part of the PSPO. Yes

2. Should the requirement not to ingest, inhale, smoke or otherwise use intoxicating substances remain as part of the PSPO. **Yes**
3. Are there any other issues that you believe should be considered for inclusion in the PSPO? Please provide evidence of this issue. Evidence might include the number of reports, photos etc **.N/A**
4. Is the area designated by the PSPO still appropriate (Map is attached as Appendix A).
Yes

PUBLIC RESPONSES:

Q1	Q2	Q3	Q4
YES	YES	YES – SOCIAL GATHERINGS	YES
YES	YES	NO	NO – THE ALLOTTED AREA IS SO WIDE AS TO RENDER THE SPECIAL DESIGNATION ALMOST POINTLESS. THIS IS EXACERBATED BY LACK OF AVAILABLE POLICE RESOURCES.
YES	YES	YES – GENERAL LOITERING AND INTIMIDATING ATTITUDE	YES
NO	NO	NO	NO – YOU’RE DOING THIS TO BAN A CERTAIN TYPE OF PERSON, IF THIS WAS A BUNCH OF WOMEN ON THEIR WAY FOR A NIGHT OUT YOU WOULDN’T HAVE AN ISSUE, BUT A HOMELESS / AT RISK PERSON, WE LOOK DOWN ON.
NO	NO	NO	NO- IMPROVE SUPPORT, DON’T CRIMINALISE.
NO	NO	NO	NO - NO
YES	YES	YES – DRIVING OR CYCLING ON THE STREET	YES
YES	YES	NO	YES
YES	YES	YES – FLY TIPPING AND OTHER ASB	COULD BE A LARGER AREA
YES	YES	NO	YES
YES	YES	NO	YES
YES	YES	NO	YES

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Equality with Human Rights Analysis Toolkit



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

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

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

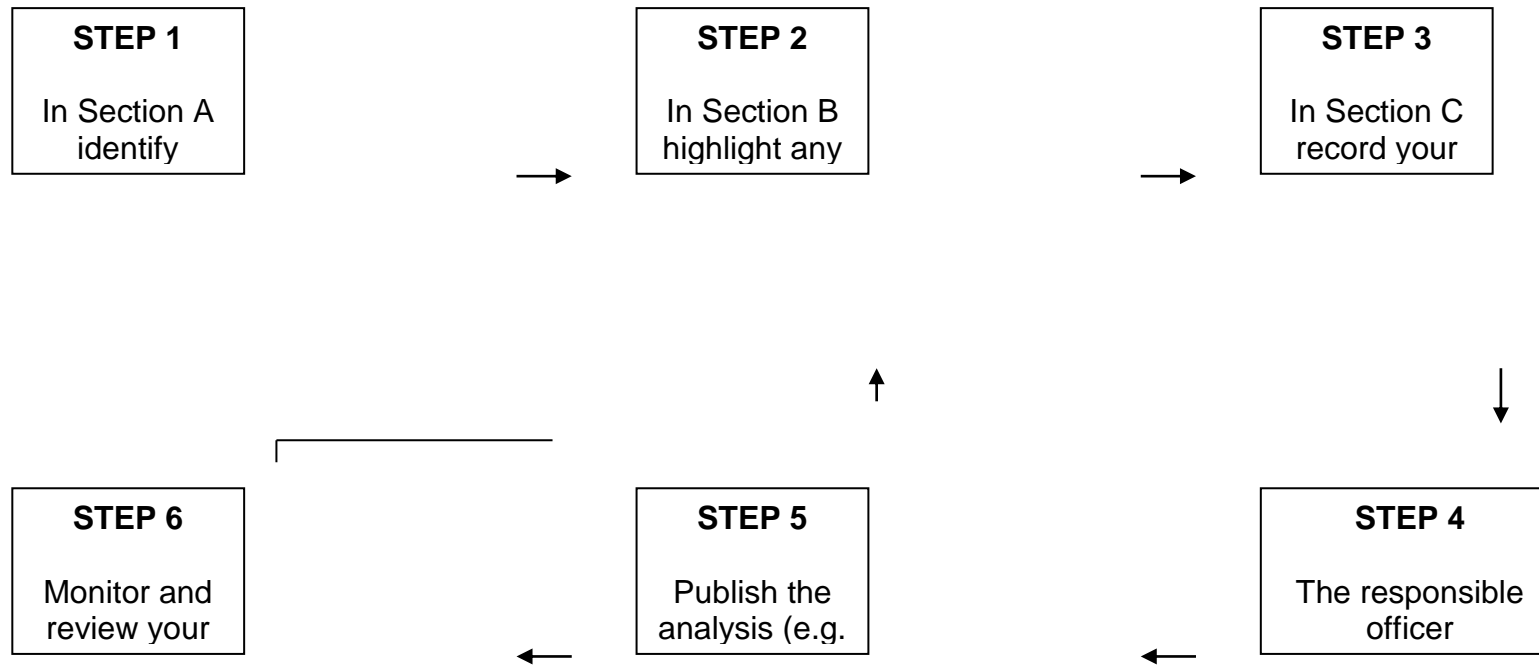
Even after your policy, project or service has been implemented; it is recommended that analysis is undertaken every three years, and that this analysis is updated at any significant points in between. The purpose of any update is that the actual effects will only be known after the implementation of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

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Useful questions to consider when completing this toolkit

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

STEP BY STEP GUIDE TO EQUALITY ANALYSIS



* Evidence could include information from consultations.

SECTION A

Name of policy / project / service	To extend a Public Spaces Protection Order in the City Centre/
Background and aims of policy / project / service at outset	To extend the PSPO which acts as an additional tool in tackling ASB in Lincoln City Centre. The PSPO gives the Council and the Police a tool which makes the city centre feel safer for communities and visitors
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Ben Jackson – Public Protection, ASB and Licensing Service Manager
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Director Communities and Environment, Policy Scrutiny Committee, PPASB team and Police.

SECTION B

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

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this and if appropriate who you have consulted with*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	X			Feedback from the consultation shows that the Police use the PSPO as a tool to tackle ASB.	NA	
Disability including carers (see Glossary)	X			May make vulnerable users of the city centre feel safer	NA	
Gender re-assignment			X		NA	
Pregnancy and maternity	X			May make expectant mothers feel safer	NA	
Race			X		NA	
Religion or belief			X		NA	
Sex			X	No evidence to suggest that the PSPO has an impact on sex, either as a victim or perpetrator of any of the prohibited behaviour included on the PSPO.	NA	
Sexual orientation			X		NA	
Marriage/civil partnership			X		NA	
Human Rights (see page 8)			x		NA	

**Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies*

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
No	NA	NA

SECTION C

Decision Point - Outcome of Assessment so far:


Based on the information in section B, what is the decision of the responsible officer (please select one option below):

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

3

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

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

Checked and approved by responsible officer(s) (Sign and Print Name)	Ben Jackson 	Date	21/12/2023
Checked and approved by Assistant Director (Sign and Print Name)		Date	

When completed, please send to policy@lincoln.gov.uk and include in Committee Reports which are to be sent to the relevant officer in Democratic Services

The Equality and Human Rights Commission guidance to the Public Sector Equality Duty is available via: www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

opportunities is therefore concerned with the elimination of these barriers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Human Rights

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

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

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

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

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

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

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SUBJECT:	PROPOSAL TO INCREASE FIXED PENALTY NOTICES IN RELATION TO ENVIRONMENTAL CRIME
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
LEAD OFFICER:	BEN JACKSON, PUBLIC PROTECTION, ANTI-SOCIAL BEHAVIOUR AND LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Policy Scrutiny Committee members on the process and consideration given to date, to increase the fixed penalty notices in relation to environmental crime.

2. Executive Summary

- 2.1 On 7 June 2023, the Department for the Environment, Food and Rural Affairs (DEFRA) announced that the maximum fee for on-the-spot fines for litter, graffiti and fly-tipping are set to rise.
- 2.2 The report recommends that the Council establish a fee, in line with the parameters of the legislation. The proposals affect fixed penalty notices in relation to Fly Tipping, Duty of Care and Littering.

3. Background

- 3.1 Fly tipping, Duty of Care offences and Littering are a topic of national debate and each have a significant detrimental impact on communities.
- 3.2 Fly tipping as a term can include anything from single bags to several tons of waste. The urban nature of Lincoln means that fly tipping is more commonly seen in smaller quantities.
- 3.3 Duty of Care offences are when somebody removes waste on another person's behalf without the relevant licence and then the waste ends up being fly tipped.
- 3.4 Litter is anything dropped in a public place, from sweet wrappers to bin liners or household rubbish. It also includes smoking-related litter.

4. The Proposal

- 4.1 On 7 June 2023, the Department for the Environment, Food and Rural Affairs (DEFRA) announced that the maximum fee for on-the-spot fines for litter, graffiti and fly-tipping are set to rise.
- 4.2 The below table shows the current FPN, the new maximum in line with legislation and the proposal.

	Current Fee	Max new	Proposal
Fly Tipping	£200 (Reduced to £120 if paid within 10 days)	£1000 (previous max £400)	£400 (Reduced to £300 if paid within 10 days)
Littering	£75 (Reduced to £50 if paid within 10 days)	£500 (Previous max £150)	£150 (Reduced to £100 if paid within 10 days)
Duty of Care	£200 (Reduced to £120 if paid within 10 days)	£600 (previous max £400)	£400 (Reduced to £300 if paid within 10 days)

4.3 The regulations require that payment is made within 14 days of the date Fixed Penalty Notice is issued, however allowance is made for early repayment (within 10 days).

4.4 The ability to prosecute for offences remains open to Local Authorities where issuing a Fixed Penalty Notice would not be considered appropriate. This would continue to be the preferred approach in cases of serious or repeat fly tipping.

12. Strategic Priorities

12.1 Let's drive economic growth

More effective environmental enforcement promotes a cleaner environment which is more attractive to those living, visiting and working within Lincoln.

12.2 Let's enhance our remarkable place

More effective environmental enforcement promotes a cleaner environment which is more attractive to those living, visiting and working within Lincoln.

13. Organisational Impacts

13.1 Finance

Receipts from Fixed Penalty Notices must be used for the authority to exercise relevant functions under the Act, this means receipts must be retained for use within the service.

It is not possible to forecast what income may be received because of the nature of this kind of offence and the unpredictability of being able to identify offenders. Any income received would help to offset staff costs of investigating and dealing with fly tipping issues. Any income received will not offset the full costs of dealing with fly tipping.

13.2 Equality, Diversity and Human Rights

No impacts.

13.3 Human Resources

No current implications.

14. Risk Implications

14.1 (i) Options Explored

No alternative options considered as this is a legislative change.

14.2 (ii) Key risks associated with the preferred approach

The fees could be seen as respectively low in comparison to the range available, however this is felt to be a fair level.

15. Recommendation

15.1 To comment on the proposal to increase the fees as set out in 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? None

List of Background Papers: None

Lead Officer: Ben Jackson – Public Protection, ASB & Licensing
Service Manager
Email: Ben.Jackson@lincoln.gov.uk

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POLICY SCRUTINY COMMITTEE

9 JANUARY 2024

SUBJECT:	POLICY SCRUTINY WORK PROGRAMME 2023/24 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 2023/24 and receive comments and considerations from members of potential further items for discussion in the municipal year 2023/2024.
- 1.2 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 2023/24 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
Email: claire.turner@lincoln.gov.uk

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Policy Scrutiny Committee Work Programme – Timetable for 2023/24

13 June 2023

Item(s)	Responsible Person(s)	Comments
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Policy Scrutiny Work Programme 2023 -2024	Democratic Services	Regular Report
Protecting Vulnerable People	Emily Holmes/Joanne Smith	
Events and Culture – Christmas in Lincoln 2023 and beyond – Programme of Events	Simon Walters	Verbal presentation
Lincoln Central Market Policies.	Kate Ellis	Presentation

15 August 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
Public Space Protection Order – Renewal	Ben Jackson	

3 October 2023

Item(s)	Responsible Person(s)	Comments
Policy Scrutiny Work Programme 2023 -2024	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Waste and Cleansing Contract Specification.	Steve Bird	
Parks Income Policy	Steve Bird	
Corporate Document Review	Emily Holmes/ Michelle Hoyles	Annual Report
Localised Council Tax Support Scheme 2024-25	Martin Walmsley	

21 November 2023 - CANCELLED

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

9 January 2024

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
Public Space Protection Order	Ben Jackson	
Environmental Crime- Fixed Penalty Notices	Ben Jackson	

12 March 2024

Item(s)	Responsible Person(s)	Comments
Policy Scrutiny Work Programme 2024-2025 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Annual Review of County Homelessness Strategy	Alison Timmins	
Safeguarding Policy	Emily Holmes	Regular Report

Unscheduled Items.

Recycling- paper and card collections proposal

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EXECUTIVE WORK PROGRAMME

December 2023 - November 2024

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
11 December 2023	Write Outs of Irrecoverable Non Domestic Rates, Sundry Debts, Council Tax and Overpayment of Housing Benefit	That the Executive approve the write outs as set out in Appendices A, B, C and D to the report.	Executive	Yes	Private
11 December 2023	Transfer of selected museum artefacts to Lincolnshire County Council	Transfer of selected museum artefacts to Lincolnshire County Council	Executive	No	Public
02 January 2024	Localised Council Tax Support Scheme 2024/25	Executive to recommend to Council a Localised Council Tax Support Scheme 2024/25 (Council meeting 16.1.24)	Executive	Yes	Public
02 January 2024	Collection Fund Surplus/Deficit - Council Tax	To consider the estimated balance for the council tax element of the collection fund; and to confirm the declaration of the surplus or deficit for 2023/24.	Executive	Yes	Public
02 January 2024	Council Tax Base 2024/25	Executive to recommend to Council that it authorises the Council Tax Base 2024/25, (Council meeting 16.1.24).	Executive	Yes	Public
15 January 2024	Collection Fund Surplus/Deficit - Business Rates	To inform the Executive of the estimated balance for the Business Rates element of the Collection Fund and the surplus or deficit to be declared for 2023/24.	Executive	Yes	Public

15 January 2024	Draft Medium Term Financial Strategy 2024-2029	To consider the draft Medium-Term Financial Strategy for the period 2024/2029; the draft budget and council tax proposal for 2024-25; and the draft Capital Strategy 2024-2029	Executive	No	Public
15 January 2024	Pay Policy Statement 2024/25	To recommend referral to Council for approval of Pay Policy Statement 2024/25	Executive	No	Public
15 January 2024	Council House and Garage Rents 2024/25	Executive approval	Executive	No	Public
15 January 2024	Sincil Bank Gateways and Greenways Project	To approve the capital expenditure to deliver the Sincil Bank project.	Executive	No	Public
19 February 2024	Accredited Real Living Wage Increase October 2023	To recommend to Executive the proposed increase to the real living wage announced by the Living Wage Foundation in September 2023.	Executive	No	Public
19 February 2024	Western Growth Corridor – Eastern Access	Approval for arrangements- Eastern Access	Executive	Yes	Partly Private
19 February 2024	Financial Performance Quarterly Monitoring	To present to Executive the third quarter's financial performance 2023/24	Executive	No	Public
19 February 2024	Housing Pipeline Approach	Decision on the approach to developing a housing pipeline on City Council owned land	Executive	Yes	Public
19 February 2024	Treasury Management and Prudential Code Update - Quarter 3	Executive to note the Prudential and Local Indicators against actual performance for Quarter 2	Executive	No	Public

18 March 2024	Cornhill Market - Operational Plan	Update on progress to set context for decisions covering: - permanent staff - operational budget - operational business plan	Executive	Yes	Partly Private
28 May 2024	Treasury Management Stewardship and Actual Prudential Indicators Report 2023/24 (Outturn)	To review the treasury management out-turn of the City of Lincoln Council 2023/24	Executive	No	Public
28 May 2024	Financial Performance Quarterly Monitoring	To present to Executive the fourth quarter's financial performance 2023/24	Executive	No	Public