

Present: Councillor Emily Wood (*in the Chair*),
Councillor Debbie Armiger, Councillor Liz Bushell,
Councillor Bill Mara and Councillor Calum Watt

Apologies for Absence: Natasha Chapman and Councillor Mark Storer

25. Confirmation of Minutes - 3 October 2023

RESOLVED that the minutes of the meeting held on 3 October 2023 be confirmed and signed by the Chair.

26. Declarations of Interest

No declarations of interest were received.

27. Proposals for the Extension of Existing Public Space Protection Order in the City Centre

Ben Jackson, Public Protection, Anti-Social Behaviour and Licensing Services Manager

- a. presented a report to:
 - i. brief Policy Scrutiny Committee on the process and consideration given to date, to extend an existing Public Space Protection Order (PSPO) in the City Centre
 - ii. seek the views of the Policy Scrutiny Committee on proposals regarding the extension of the existing PSPO prior to consideration by the Executive
- b. advised that in February 2021 the Executive approved the extension of an already implemented PSPO that covered the City Centre
- c. explained that the current PSPO prohibited the following behaviours within the designated areas (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*
- d. explained that a PSPO had a maximum duration of three years therefore it was advisable to review the order after 3 years to determine whether it should be subject to extension or variation
- e. summarised the consultation that had taken place with both public and partner agencies and explained that 4 partner and 12 public responses had been received. All 4 of the partner responses called for the existing PSPO to remain in place, 9 of the public responses also called for the PSPO to remain with the other 3 disagreeing

- f. referred to paragraph 7 of the report and detailed the evidence that had been gathered from Lincolnshire Police, the CCTV Team and the Rough Sleeping Team
- g. proposed that the existing PSPO be renewed without any further variations for a further 3 years
- h. referred to paragraph 9 and 10 of the report and advised how the PSPO would be implemented and enforced
- i. invited Committees views on the proposal:

Question: Was there any data available on how many times the PSPO had been used and was there any comparable data from before the PSPO came in to force?

Response: There was not any data available for the amount of times that the PSPO had been used for enforcement. An example of how the PSPO was used was that the police would ask someone to surrender alcohol. This would not be recorded by the Police, therefore there was not data available.

Question: Who was responsible for enforcing the PSPO?

Response: Both the Council and the Police could enforce the PSPO. The Council had lacked resources for enforcement, however more staff had been recruited to the team and therefore there would more resource available to enforce the PSPO once training had taken place.

Question: Were cameras used for enforcement?

Response: CCTV cameras were used as well as body worn cameras.

RESOLVED that the proposal to extend the current PSPO without variations to the prohibition or location be supported and referred to Executive for approval.

28. Proposal to Increase Fixed Penalty Notices in Relation to Environmental Crime

Ben Jackson, Public Protection, Anti-Social Behaviour and Licensing Service Manager:

- a. presented a report to brief members on the process and consideration given to date to increase the fixed penalty notices in relation to environmental crime
- b. advised that on 7 June 2023, the Department for Environment, Food and Rural Affairs (DEFRA) announced that the maximum fee for on-the-spot fines for litter, graffiti and fly-tipping were set to rise
- c. referred to the table at 4.2 of the report and explained the current Fixed Penalty Notices (FPN) and the new maximum FPN's which were in line with the legislation and proposal
- d. explained that the ability to prosecute for offences remained 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

- e. advised that in 2021/22 seven fixed penalty notice had been issued for fly tipping and there was one prosecution, for 2022/23 twenty seven fixed penalty notices had been issued for fly tipping and there were no prosecutions
- f. requested that the committee considered and commented on the proposals to increase the fixed penalty notice fees as set out at paragraph 4.2 of the report:

Question: What was a duty of care fixed penalty notice?

Response: A duty of care fixed penalty notice related to the contracting of waste disposal for example when somebody removed waste on another person's behalf without the relevant licence and then the waste was fly tipped. If the individual worked with the Council to identify the contractor then a fixed penalty notice would not be issued to the individual.

Question: How many fixed penalty notices had been issued for duty of care?

Response: This information would be circulated following the meeting.

Question: What was the difference between fly tipping and littering?

Response: Littering was anything dropped in a public place, from sweet wrappers to bin liners or household rubbish whereas fly tipping could include anything from single bags to several tons of waste.

Question: Would the fixed penalty fine be the same for one single bag of rubbish as it would be for a large lorry load of waste?

Response: Yes, the same fine would apply.

Question: Why was it not proposed to increase the fixed penalty notice fine to the maximum level permitted?

Response: There was potential that people would not pay the fine and it would have to go to prosecution. There would be an increased cost to the council associated with prosecution and the court could issue a lesser fine than the fixed penalty notice.

Question: Did other Lincolnshire authorities issue the maximum fixed penalty charge?

Response: Yes, but this was in more rural areas where there was larger scale fly tipping rather than in urban areas like Lincoln.

Question: What was the reasoning behind the proposed fines?

Response: There had to be a balance between the fine acting as a deterrent and also that people could afford to pay the fine. The cost of disposing the waste was also taken into consideration for example the fine needed to be more than it would cost to hire a skip.

Question: How much did it cost to dispose of the waste left by fly tipping?

Response: This information would be circulated following the meeting.

RESOLVED that the proposal to increase the Fixed Penalty Notice Fees as set out at paragraph 4.2 of the report be supported.

29. Health Scrutiny Update

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meetings held on 4 October, 8 November and 6 December 2023, these were:

- Urgent and Emergency Care Update
- Lincolnshire System Winter Planning
- Humber Acute Services Review Programme
- Lincolnshire Acute Service Review –Orthopaedics and Stroke Services Implementation Update
- General Practice Quality Assurance & Improvement
- General Practice Provision
- Specialist Mental Health Services in Lincolnshire – Update
- Response to Consultation by Humber and North Yorkshire Integrated
- Care Board: Your Health, Your Hospitals – Let's Get Better Hospital Care

She further advised that RAF Scampton and the impact on health services would be discussed at the next meeting of the Health Scrutiny Committee and asked Members if they had any questions that they would like her to ask at the meeting.

The following questions were suggested by Members:

- What were the contingencies if someone was taken ill or injured on the camp?
- What medical support would there be available on camp?
- Would residents of the camp need to be registered with a GP?

RESOLVED that the report be noted.

30. Policy Scrutiny Work Programme 2023-24 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 December 2023 – November 2024
- c. requested councillors to submit what items they wished to scrutinise from the Executive Work Programme and policies of interest
- d. invited members questions and comments:

Members 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.