



To be submitted to the Council at its meeting on 14th March 2024

COMMUNITIES SCRUTINY PANEL

4th January 2024 at 10.00am

Present:

Councillor Westcott (in the Chair)
Councillors Aisthorpe, Batson, Boyd (substitute for Sandford) Farren, Shutt and K. Swinburn.

Officers in attendance:

- Paul Caswell (Head of Young and Safe)
- Neil Clark (Head of Regulatory and Enforcement Services)
- Dee Hitter (Head of Environmental Sustainability)
- Spencer Hunt (Assistant Director, Safer & Partnerships)
- Helen Isaacs (Assistant Chief Executive)
- Lisa Logan (Head of Parks and Open Spaces)
- Jo Paterson (Scrutiny and Committee Advisor)
- Sophie Pickerden (Scrutiny and Committee Support Officer)
- Eve Richardson Smith (Service Manager Consultancy and Deputy Monitoring Officer)

Also in attendance:

- Councillor Ron Shepherd (Portfolio Holder for Safer and Stronger Communities)
- Councillor Stewart Swinburn, (Portfolio Holder for Environment and Transport)
- Councillor Hayden Dawkins, (Portfolio Holder for Culture, Heritage and the Visitor Economy)

There was one member of the public present.

SPC.46 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Astbury and Sandford for this meeting.

SPC.47 DECLARATIONS OF INTEREST

There were no declarations of interest in relation to any items on the agenda.

SPC.48 MINUTES

Councillor Aisthorpe referred to SPC.40 Waste on Private Land and asked for an amendment to page 12 paragraph 2 within the minutes to specifically state that this related to one of her resident's experiences. Also, within paragraph 7 she wished to clarify within the minutes that it was specifically confirmed and agreed that addressed documentation found amongst waste could be used as evidence, but in all cases should be used as line of initial inquiry.

Mrs Paterson confirmed she would note the amendment within the minutes.

RESOLVED – That the minutes of the Communities Scrutiny Panel meeting held on the 2nd of November 2023 be agreed as a correct record subject to the above amendment.

SPC.49 QUESTION TIME

There were no questions from members of the public for this meeting.

SPC.50 FORWARD PLAN

The Panel received the current forward plan and members were asked to identify any items for examination by this panel via the pre-decision call-in procedure.

RESOLVED – That the forward plan be noted.

SPC.51 TRACKING THE RECOMMENDATIONS OF SCRUTINY

The panel received a report from the Statutory Scrutiny Officer tracking the recommendations of the Communities Scrutiny Panel.

Under SPC.28, (CCTV Update) a member queried the information that had been circulated and stated that they had specifically asked for information in and around schools. Ms Paterson agreed to follow this up with Paul Thorpe.

It was agreed by the panel that SPC.28 CCTV Update remain on the tracking report until the correct information had been circulated.

Mrs Paterson understood this had already been circulated but agreed to re- circulate the information to members.

Under SPC.40 (Waste on Private Land) members asked for a full update on the Members Portal.

Mrs. Paterson agreed to get a full response out to members prior to the next meeting.

Also on this matter, members felt it would be useful for some further guidance in the form of a flow chart, be provided to members to assist them with resident's queries in their wards.

Mr. Clark advised that something could be devised and circulated.

RESOLVED-

1. That the information circulated under SPC.28 CCTV Update be re-circulated to the panel.

2. That SP.28 CCTV Update remain on the tracking report.

3. That a further communication be provided to the panel on the Members Portal prior to the next meeting.

SPC.52 PROGRESS UPDATE – PLAY AREAS

The panel received a verbal update from the Head of Park and Open Spaces on the above.

The Head of Parks and Open Spaces advised that out of thirty-six play areas twenty-nine had now received new equipment noting that ward councillors had been engaged at the start of the process. Some of the key highlights included:-

- The introduction of new play equipment including teqball, table tennis, football, gym equipment and multi play equipment.
- The installation of disabled equipment including disabled roundabouts and swings.
- Also, locally the Council had worked with 'Sam's Park fundraiser' around play areas for Sam's Park with enough money raised to provide a swing in Grant Thorold Park.

Ms. Logan advised that all the works would be complete by the end of the financial year. Ms Logan further noted that the Council had limited funding and encouraged members to use fundraising opportunities.

The panel were invited to put forward their questions further to which the following responses were provided:-

In relation to Barrett's Recreation Ground, it was confirmed that this had been upgraded to RoSPA play standards which included a new piece of equipment.

Another member thanked Ms Logan for her hard work on the scheme which had transformed the look of our parks. However, a member emphasised the delay with procurement which had led to some parks being missed. Members asked what lessons had been learnt and how this could be prevented in future.

Ms Logan explained that the delay had been due to a number of factors including the pandemic which had increased the price of materials and therefore the number of parks that could be refurbished. Ms Logan explained that although there had been challenges with the procurement process, they had now delivered everything they had set out in the beginning.

Members requested a full report on play areas come back to future panel meeting.

Another member considered that the play equipment had not been fairly allocated to some parks and suggested seeking feedback from ward councillors on what equipment had been provided in their individual wards.

The Portfolio Holder for Environment and Transport agreed with the idea of seeking feedback from all ward members to understand if there were any further needs. Ms Logan agreed to keep members updated on play equipment within their individual ward areas.

A short discussion ensued around budgets, and it was suggested that any future funding for play equipment could be put forward as part of the environmental budget setting process in future.

Ms Logan advised that a considerable amount of funding had been allocated to bring the play equipment up to the RoSPA requirements. In terms of standards, Ms Logan stated that there was an annual legal requirement to undertake a RoSPA inspection on all the play equipment. It was further explained that any necessary repair work would take place to ensure the equipment was safe and where the equipment was beyond repair it would be decommissioned.

A member suggested that the annual RoSPA report be circulated to the panel. Ms Logan advised that the report was for internal use only to ensure everything was kept up to specification.

Ms Logan assured the panel that members would be kept updated on matters such as antisocial behaviour. Officers reiterated the importance of ensuring issues were reported through neighbourhood policing teams.

Members were concerned that there was no more funding left for the play equipment and whether there was a backup plan to prepare for various

eventualities. Ms Logan stated that there was a small amount of money in their revenue budget for RoSPA repairs.

The Portfolio Holder for Safer and Stronger Communities reiterated that in terms of anti-social behaviour should members have specific problems in their own ward areas this be reported to the appropriate Head of Department to be addressed. Unfortunately, the police did not have enough resource to police every park.

Mr Hunt reminded members that a Humberside Police Partnership Intelligence Form had been sent via email to members last month and encouraged members to use this. Members were advised to encourage their residents to report crimes through 101 in order to assist with more police resource being deployed in certain areas.

Mr Caswell noted that this was not just about a problem in a park but about multi-agency working to identify perpetrators and engage in a non-punitive way by providing the necessary wrap around support rather than moving the issue into another area.

The Chair felt that in terms of crimes, the new youth hub in the town centre would assist with this.

RESOLVED – That the verbal update be noted, and it be requested that a full report on play areas be provided to a future panel meeting.

SPC.53 PUBLIC SPACE PROTECTION ORDER PERFORMANCE UPDATE

The panel received a presentation from the Head of Regulatory and Enforcement Services updating members on the performance of the Public Space Protection Orders. The presentation covered issuance data, feedback on consultation results and the next steps and implementation.

Mr. Clark explained to members that there were four Public Space Protection Orders (PSPO)'s covering dog control, resort, parks and open spaces, and anti-social behaviour and gave an overview of the areas which the data covered. In particular, the data covered PSPO Fixed Penalty Notices (FPN's) issued between 1st April and 30th September. It was noted that issuance was undertaken by 'LA Support' and some additional data was provided by City of Doncaster Council.

Mr Caswell explained the lack of enforcement in the seven ward based alcohol PSPO's had resulted in these becoming ineffective. This had led to a review of the alcohol PSPO's and the proposal to incorporate alcohol conditions in three of the Anti-Social Behaviour (ASB) PSPO's, namely Grimsby town centre, Peoples Park and Cleethorpes resort.

Mr Caswell referred to the consultation on the new ASB PSPO's noting that Humberside Police were keen to focus on enforcement action as a result of the new ASB PSPO powers. It was reported that the new ASB

PSPO's were going through the necessary due diligence processes, and officers were awaiting the new signage to be assembled. Once all the signage had been set up, the new ASB PSPO'S would be enforced in readiness for the spring season.

Mr Caswell advised that in future PSPO breach data could be provided to the panel. He explained that PSPO's were designed for smaller footprints and alcohol conditions were better utilised in areas where the data supported the intervention, allowing officers to monitor their effectiveness better.

Members were invited to ask questions.

A Member queried the reasoning for Immingham having not been included within the areas covered by the PSPO's. Officers explained that when implementing these in a specific area they required the necessary police data to support that area. Officers agreed to look into providing this data in future.

A member queried the large number of dogs found to be on the beach and sought assurance that the Council were making signage clear around the resort where dogs were not permitted. Mr Clark assured members that the signage had been refreshed and there were more than fifty signs across the resort which included a permitted dog exercise area.

Another member asked whether there was a separate area where residents could conveniently walk their dogs. Mr Clark explained the dog exclusion zone is between the Wonderland rock groin and the Leisure centre. The dog exercise areas are beyond the Cleethorpes Leisure Centre and beyond the Wonderland (the rock groin) area of the promenade. Maps are displayed on signage on the promenade.

Another member asked for clarification on the current legal position regarding the consumption of alcohol on our streets.

Mr Caswell advised that drinking on the streets was legal and was national legislation, however it was the anti-social element of alcohol consumption that caused the majority of problems. In terms of interventions, Mr Caswell advised that it was about tackling this in a joint partnership approach, engaging with people and providing the necessary wrap around support to those individuals who needed support with alcohol related problems.

The Chair was concerned that there were specific issues with drug use around our bus stops particularly in the town centre which had led to some seating being removed. Officers advised that the community safety aspect was now being aligned to new regeneration plans to design out crime and there was a commitment from a community safety point of view.

Officers explained that various police data could support some of these issues. A member was reassured by the positive changes resulting from the police data that would come forward. Members asked that quarterly

police data on PSPO's be reported back to this panel on a six-monthly basis.

Another member asked for more detail around the consultation undertaken on PSPO;s and asked where the data was obtained from. Officers confirmed that following legal advice there had been an online public consultation on the new PSPO's, and this information could be distributed to the panel.

A member queried staff resource in terms of support for CCTV. Mr Caswell explained that as part of Safer Streets 5 project there was funding available that enabled them to enhance this resource specifically ringfenced for the town centre. There was also additional work taking place with Safer Streets Ambassadors and ability to undertake retrospective investigations that were captured on CCTV.

A detailed discussion ensued around how best to tackle alcohol related problems on our streets. One member queried the timescales for signposting people to relevant support services. Mr. Caswell advised that it was difficult to give a timeline as each case was unique in terms of a person's addiction and vulnerability.

To provide some assurance, the Chair noted that there were specific police operations around these types of issues and in particular around the night time economy.

A member asked whether the PSPO's covered just parks or whole wards.

Mr Clark explained that each PSPO detailed where each prohibition or exclusion applies and stated some were borough wide prohibitions, some where specific to a certain location.

Members discussed the differences between the different PSPOs and wished to explore in more depth how they were dealt with. Officers advised that some were dealt with in a separate way in terms of deciding the best outcomes based on offences and how they were dealt with from a legal perspective.

A member considered that although the presentation came across well in its visual form more context and background information around why various offences were being committed in terms of the issuance data would have been useful for members.

Members therefore requested that a full detailed PSPO report be provided to a future panel meeting.

A member queried how many staff members were employed through LA support. Mr Clark advised from 1st December 2023, patrols were delivered by a new provider, WISE and that there are currently four people in the team.

Due to time constraints some members were unable to finish their questioning. The Chair considered that enough debate had ensued on the current item and that due to time constraints the panel needed to move on to the next agenda item.

Ms Richardson Smith suggested the member put forward their questions in writing to the Scrutiny Advisor to gain a response from officers.

It was agreed that further questions would be recorded and appropriately appended to the minutes.

The Portfolio Holder for Safer and Stronger Communities acknowledged the issues with fines being issued in ward areas. In terms of breaching PSPO's he considered that ample information and signage had been produced.

RESOLVED

1. That the presentation be noted.
2. That it be requested that a full detailed PSPO report be provided to a future panel meeting.
3. That it be requested that quarterly police data on PSPO's be reported back to this panel on a six-monthly basis
4. That it be requested that the public consultation data on the PSPO's be provided to the panel.

SPC.54 GREAT LINCOLNSHIRE NATURE RECOVERY STRATEGY

The panel received a report detailing the progress of the Local Nature Recovery Strategy.

The Head of Environmental Sustainability introduced the report and set out some of the key highlights.

Ms Hitter spoke in brief about the Nature Recovery Strategy and how it had come about as a result of the Environment Act. Ms Hitter advised that the strategies were still in their infancy and had now gone out for public consultation. She further advised that a number of workshops would take place to understand and the explore the results of the consultation.

Members were invited to ask questions.

Ms Hitter advised that the strategies would go through the relevant decision-making processes with an opportunity for this scrutiny panel to input into the strategies prior to consideration by Cabinet.

In response to queries raised, Ms Hitter advised that this was a Lincolnshire wide approach to managing nature recovery. Also, the strategy would provide a map and plan on how to improve and enhance nature across the borough on a much wider scale.

Members thanked Ms Hitter for providing an update on the strategy and looked forward to receiving the strategy in its full form at a future panel meeting.

The Chair referred to the tree canopy coverage across the borough and asked how this could be improved on moving forward.

Ms Hitter advised that the Tree Strategy was now in place and that some funding would be available to support this going forward and advised that a communication would be sent out regarding this.

RESOLVED –That progress of the Local Nature Recovery Strategy be noted.

SPC.55 QUESTIONS TO PORTFOLIO HOLDER

There were no questions for the Portfolio Holder for Safer and Stronger Communities at this meeting.

SPC.56 CALLING IN OF DECISIONS

There were no formal requests from members of this panel to call in decisions of recent Cabinet and Portfolio Holder meetings.

There being no further business, the Chair declared the meeting closed at 12.17 p.m.

Addendum to the Minutes

Communities Scrutiny Panel 4th January 2024

Minute Reference: SPC.53 Public Space Protection Order Performance Update

Questions raised by Councillor Aisthorpe

Question 1

Only 4 wards are included as far as 'Issuance' is concerned. Does this refer to the wards where the culprits live or the wards where the offence occurred? A more detail reported should have covered this basic detail.

Answer

The issuance data is based on where the offence took place and the fixed penalty notice issued and not where the offender resides.

Question 2

Looking through the data shown on the page titled 'Issuance Data', it shows that out of 238 Fixed Penalty Notices (FPNs) issued, an overwhelming 131 were for 'Dogs on the Beach'. That is over half of FPNs issued in the period of 1st April and 30th September 2023. The second highest count was 85 for cycling within restricted areas, clearly within Freshney Place alone.

There is then a stark difference in all other FPNs issued. For example, there is 4 FPNs issued for 'Dog Fouling' and only 1 FPN issued over 4 wards for 'Dogs not on Leads', over 6 months covering 4 wards.

Based on this data, it would seem that there is a disproportionate focus on enforcement at Cleethorpes Beach and Freshney Place Town Centre, when other parts of the borough are currently heavily suffering from 'Dog Fouling' and 'Dogs not on Leads' in parks.

What measures are being taken to ensure a fair and balanced enforcement approach across the entire borough going forward?

Answer

The contract is based on both vehicle and foot patrols in each ward every month to ensure visibility across the borough. However, the team is also intelligence led by community reports and footfall numbers.

So therefore, wards with the higher footfall such as town centres and resort will attract higher patrol times than those with low footfall, unless intelligence indicates a wider problem in that ward.

Question 3

Could we also see the data of PSPO enforcement time spent on patrolling for every ward across the borough?

April to September 2023

<i>Ward</i>	<i>Patrol Time (hrs)</i>
<i>Croft Baker</i>	<i>262</i>
<i>East Marsh</i>	<i>291</i>
<i>Freshney</i>	<i>26</i>
<i>Haverstoe</i>	<i>262</i>
<i>Heneage</i>	<i>47</i>
<i>Humberston and New Waltham</i>	<i>37</i>
<i>Immingham</i>	<i>13</i>
<i>Park</i>	<i>25</i>
<i>Scartho</i>	<i>4</i>
<i>Sidney Sussex</i>	<i>298</i>
<i>South</i>	<i>7</i>
<i>Waltham</i>	<i>9</i>
<i>West Marsh</i>	<i>70</i>
<i>(Victoria Street – Town Centre)</i>	<i>205</i>
<i>Wolds</i>	<i>5</i>
<i>Yarborough</i>	<i>10</i>

Question 4

On the page titled 'Data Overview', it states that "Not all wards are listed, only those where an PSPO Fixed Penalty Notices (FPN) has been issued'. Surprisingly, the report suggests that only 4 out of 15 wards across the

borough are currently being issued PSPO FPNs, even though other wards are included in the PSPO scope.

Why is it that wards such as East Marsh for example, apparently have no PSPO FPNs issued for 'Dogs off Leads', when there are frequent instances of dogs off leads in open spaces such as Grant Thorold Park? It is almost a daily occurrence to witness dogs off leads in Grant Thorold Park and last year, my ward colleague Cllr Beasant was even bitten by a dog off the lead while voluntarily gardening in the park, which he reported to the police.

Answer

There is no general prohibition regarding dogs off leads in the Dog Control PSPO [Dog-Control-Public-Space-Protection-Order---Dog-Control-signed-order-for-2022.pdf \(nelincs.gov.uk\)](#). To summarise dogs would only need to be on a lead in the following circumstances.

- During opening times within cemeteries and burial woodlands
- Within an enclosed designated play area.
- When an authorised officer has requested the dog to be put on a lead or
- During an organised event.

A breach for dogs off a lead can only be enforced through a fixed penalty notice where it is witnessed by an Authorised Officer.

There are also some dog exclusion areas.

Question 5

Again, I am surprised and concerned regarding the absence of East Marsh from the list of locations for Public Spaces Protection Order (PSPO) Fixed Penalty Notices (FPNs). In particular, there are several streets in East Marsh, notably the walkthroughs towards Grant Thorold Park, such as Buller Street and Julian Street, which are often covered in dog mess. I observed and reported five instances of dog fouling on Buller Street alone, while doing a litter pick last Sunday.

Given the prevalence of this problem, I would like to inquire whether there are plans to increase patrols in these specific areas or if there is an alternative strategy in place to address this growing problem of Dog Fouling? It is evident that the situation is worsening, and I believe urgent measures are required to tackle this problem effectively.

Answer

The work of the team is based on intelligence and influenced by the number of reports to the council on matters of concern. The team will visit each ward every month and patrol those locations where we have received community reports, this will also include Parks and Open spaces.

However, should the level of intelligence indicate a significant issue in one location, such as street or park, a more focused plan would be considered.

This could involve a dedicated early morning patrol where intelligence has provided detail of a particular offender, increased communications in the locality or use of anti-dog fouling signage to remind dog owners. Again, the offence of dog fouling must be witnessed by the Authorised Officer.

Question 6

The Council's website states that as well as PSPOs, NELC also uses Community Protection Notices (CPN) and Community Protection Warnings (CPW) as additional tools to work alongside PSPOs. Could I respectfully request that the panel see the data for how many CPNs and CPWs have been issued as well, in order to assess their use and effectiveness in Enforcement?

Answer

After liaising with Legal we respectfully advise that this is not a question arising from the detail of this report around PSPOs.

All enforcement Teams could issue CPWs/CPNs on a range of issues. The use of CPW / CPN's are intended as preventative measures to avoid more punitive sanctions such as fines or court appearances but are not used as a pre-cursor to issuing of a PSPO penalty. CPWs and CPNs are not utilised in enforcing PSPOs, as a breach is an offence, and a Fixed Penalty Notice would be issued in the first instance following non-compliance or arrest would be made for a substantive criminal offence.

Question 7

What steps are the council taking to address the approximately 40% unsuccessful rate in FPNs issued, reflecting a success rate of only 6 out of every 10 cases of FPNs being paid? What is being done to enhance the effectiveness of FPN enforcement?

Overall, the 63% payment rate is considered acceptable for FPN payments through the Doncaster City Council Framework. From the data in the presentation, only 21% of FPN's were untraceable. Therefore 79% were either fully paid, successfully appealed, referred to prosecution or are in progress.

With regard to those fixed penalty notices written off as untraceable, every reasonable effort is made to identify offenders, officers undertake trace checks at time of issuing and perform further checks if unpaid, however it is not possible to proceed to prosecution, if a confirmed address of the offender cannot be obtained.

In relation to appeals, this information is regularly reviewed to inform any appropriate training opportunities for enforcement staff.

Question 8

The Council states that 'The role of elected members in overview and scrutiny is to involve local people in Council decision making'. On the page titled 'Consultation on ASB PSPOs', why was there no public consultation conducted for the 7 wards that lapsed, regarding the refresh of ASB Public Space Protection Orders?

It is important, in my view, to allow the public a say in decisions that directly affect their communities and it is Council policy to do so. A consultation could have provided valuable information and insights into the issues of the areas of previous PSPOs, even if not initially backed by reported data, especially considering that some people do not feel confident in reporting matters. Could we revisit the idea of providing a consultation for these wards to ensure a more inclusive decision-making process?

Answer

Following legal advice, the 7-ward based alcohol PSPOs automatically lapsed after 3 years as there was no legal or evidential basis for them to continue. Subsequently no public consultation was undertaken around the renewal of the 7-ward based alcohol PSPOs. Instead, public consultation was taken around including alcohol prohibition in three current ASB PSPO areas which were Grimsby Town Centre, People Park and Cleethorpes Sea Front based on evidence. Elected members were informed as part of the process of both the lapse of the original PSPO's and inclusion of alcohol in the 3 above named ASB PSPOs with no response received. Consultation was also undertaken with the Portfolio Holder for Safer & Stronger Communities and Chair and Vice Chair of Communities Scrutiny Panel who were in favour of both the lapse and inclusion of alcohol in the three designated areas.

Questions raised by Councillor Westcott

Question 1

When a resident challenges a fine and the decision is upheld in NELC's favour, do we always recoup any costs? If not, why not and can a "successful outcome" actually result in the authority and local Council Tax payers footing the bill?

Answer

Yes, if the appeal was not accepted, then the fine amount would be pursued for recovery as normal. No additional costs would be applied to review any appeal/challenge to any notice. Additional costs would only be sought and applied for on a prosecution through the court if notice remained unpaid. Though, any costs awarded would of course be set by the Magistrates.

Question 2

How many banning orders have been issued in Grimsby town centre for persistent ASB, shoplifting and other offences, since the introduction of a PSPO? ~If this is zero or very low, is this something we are looking to address, in a bid to make the town centre much safer and more appealing to the overwhelming majority of law abiding visitors?

Answer

Previous partnership arrangements have not resulted in any form of orders both criminal or civil being issued however the new focus on the enhanced PSPO and understanding who causes us problems with both a prevention and punitive response being developed should provide reassurance that all crime reduction tools and legislation is being utilised in an appropriate manner. This already agreed to be reported into scrutiny on a 6 months basis.