



**Committee:** CABINET

**Date:** TUESDAY, 24 APRIL 2018

**Venue:** LANCASTER TOWN HALL

**Time:** 6.00 P.M.

## A G E N D A

1. **Apologies**

2. **Minutes**

To receive as a correct record the minutes of Cabinet held on Tuesday, 20<sup>th</sup> March 2018 (previously circulated).

3. **Items of Urgent Business Authorised by the Leader**

To consider any such items authorised by the Leader and to consider where in the agenda the item(s) are to be considered.

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Public Speaking**

To consider any such requests received in accordance with the approved procedure.

Reports from Overview and Scrutiny

None

Reports

6. **Depot Security - White Lund CCTV (Pages 1 - 4)**  
**(Cabinet Member with Special Responsibility Councillor Hughes)**  
Report of Chief Officer (Environment)
7. **Morecambe & Heysham Public Spaces Protection Order 2018 (Pages 5 - 19)**  
**(Cabinet Member with Special Responsibility Councillor Hughes)**  
Report of Chief Officer (Health & Housing).
8. **Fixed Penalty Notice Enforcement Charges for Fly Tipping & Waste Related Offences (Pages 20 - 30)**  
**(Cabinet Members with Special Responsibility Councillor Warriner & Hughes)**  
Report of Chief Officer (Health & Housing)
9. **Re-purposing Morecambe Bus Station as a young people hang-out area to help combat anti-social behaviour (Pages 31 - 42)**  
**(Cabinet Member with Special Responsibility Councillor Warriner)**  
Report of Chief Officer (Health & Housing)
10. **Exclusion of the Press and Public**

This is to give notice in accordance with Part 2, paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private if it is necessary to refer to the exempt Appendix.

Cabinet is recommended to pass the following recommendation in relation to the following item(s):-

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the possible disclosure of exempt information as defined in paragraph 1 & 2 of Schedule 12A of that Act.”

Members are reminded that, whilst the following item(s) have been marked as exempt, it is for Cabinet itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

11. **Executive Team: Roles and Structure (Pages 43 - 55)**  
**(Cabinet Member with Special Responsibility Councillor Blamire)**  
Report of Chief Executive

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Darren Clifford, Brendan Hughes, James Leyshon, Margaret Pattison, Andrew Warriner and Anne Whitehead

### **(ii) Queries regarding this Agenda**

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk).

### **(iii) Apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Friday 13<sup>th</sup> April, 2018.

**CABINET**

## White Lund CCTV System 24<sup>th</sup> April 2018

### Report of Chief Officer (Environment)

<b>PURPOSE OF REPORT</b>				
To seek approval to introduce a new CCTV and access control system to White Lund Depot				
<b>Key Decision</b>	<b>X</b>	<b>Non-Key Decision</b>		<b>Referral from Cabinet Member</b>
<b>Date of notice of forthcoming key decision</b>		11 <sup>th</sup> April 2018		
<b>This report is public</b>				

#### RECOMMENDATIONS OF COUNCILLOR BRENDAN HUGHES

- (1) That Cabinet approves the use of the Invest to Save reserve to fund the one-off installation costs of a new CCTV and access control system at White Lund Depot.
- (2) That the Chief Officer (Resources) be authorised to update the General Fund Capital Programme and Revenue Budget to include the associated costs/savings arising from this proposal.

#### 1.0 Introduction

- 1.1 Council on the 28<sup>th</sup> February 2018, as part of the savings and growth exercise, approved a project that would provide ongoing revenue savings titled 'Extension of CCTV system to Public Buildings.' The immediate plan was to extend the new system to include White Lund Depot.

There are a number of cameras located around the Depot and buildings. These cameras are old and require modernising.

- 1.1 The option that has been developed includes introducing an automated vehicle access system (barriers), alongside upgrading the existing CCTV cameras and installing a series of new cameras in strategic positions around the Depot. This will vastly improve the management of the depot.
- 1.2 Application of technology in this way will improve, modernise and futureproof security arrangements and furthermore, generate annual revenue savings for



the Council.

## 2.0 Proposal Details

- 2.1 The proposal was generated from the Council's aim of being a Smart District and specifically how we could extend use of the Council's new technologically advanced public CCTV system to improve the management of the depot.
- 2.2 As stated, Council has already approved the project in principle. This report provides details of the updated costs and seeks approval from Cabinet to proceed / update the General Fund Capital Programme and Revenue Budget.

## 3.0 Details of Consultation

Consultation and initial proposals developed and approved as part of Cabinet's Budget Proposals and approved at Council.

## 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> To approve the new CCTV and Access Control system	<b>Option 2:</b> To take no action
Advantages	The introduction of a new CCTV and access control system will improve management arrangements at White Lund Depot and provide ongoing revenue savings.	None
Disadvantages	None	Continuing to operate the same model of security for the Depot will not offer any revenue savings for the Authority. The current system is aging.
Risks	Minimal to the Council's partner (Vodafone) will deliver the solution and project manage the installation. If an alternative provider is required in the future, there may be a need to reconfigure the system in order for it to operate.	Staying with the existing system reduces the efficiency and effectiveness of depot management and is more expensive.

## 5.0 Officer Preferred Option (and comments)

- 5.1 To approve and deliver the new CCTV and access control system.

## 6.0 Conclusion

Improving and modernising the security arrangements at White Lund Depot will help futureproof arrangements, increase coverage and offer significant annual revenue savings.

**RELATIONSHIP TO POLICY FRAMEWORK**

As detailed in the report

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

The Data Protection /General Data Protection Regulations (GDPR) implications have been considered and assessed.

**LEGAL IMPLICATIONS**

Officers will need to have regard to the Council's responsibilities under the Data Protection and Freedom of Information legislation when installing and using CCTV cameras. This includes having regard to the Information Commissioners' Guidance/code of practice on the use of CCTV cameras. The Council's Information Governance department will need to be consulted with further on the installation and operational use of the cameras.

**FINANCIAL IMPLICATIONS**

As detailed in the report, Council on 28<sup>th</sup> February 2018 approved a savings proposal for the extension of CCTV to public buildings, minute 120(2) refers, and indicative revenue savings were included in the base budget projections for 2018/19 and future years.

Further work has now taken place on that proposal and 'firmer' estimates are now available. The following costs/savings are now attributable to this project :-

	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
	£'000	£'000	£'000	£'000
Revenue Budget Allocation	71	65	66	68
Revenue Budget Required	65	36	37	37
Additional Revenue Saving	(6)	(29)	(29)	(31)
Capital Cost (one-off)	53	-	-	-

It is requested that the 'Invest to Save' reserve is utilised in this instance to fund the up-front capital cost and maximise ongoing revenue savings. For information, the payback period of this proposal falls within 3 years and is therefore in accordance with the Medium Term Financial Strategy (MTFS) / Reserves Policy and advice from the Chief Officer (Resources).

<b>SECTION 151 OFFICER'S COMMENTS</b> The Section 151 Officer has been consulted and has no further comments.	
<b>MONITORING OFFICER'S COMMENTS</b> The monitoring officer has been consulted and has no further comments.	
<b>BACKGROUND PAPERS</b> none	<b>Contact Officer:</b> Mark Davies <b>Telephone:</b> 01524 582401 <b>E-mail:</b> @lancaster.gov.uk <b>Ref:</b>

**CABINET****Morecambe & Heysham Public Spaces Protection  
Order 2018****24 April 2018****Report of Chief Officer (Health & Housing)**

<b>PURPOSE OF REPORT</b>				
To seek approval to make a Public Spaces Protection Order covering areas of Morecambe & Heysham.				
<b>Key Decision</b>	<b>X</b>	<b>Non-Key Decision</b>		<b>Referral from Cabinet Member</b>
<b>Date of notice of forthcoming key decision</b>		26 March 2018		
<b>This report is public.</b>				

**RECOMMENDATIONS OF COUNCILLOR BRENDAN HUGHES**

- (1) That the making of a Public Spaces Protection Order covering the designated areas of Morecambe & Heysham is approved, as set out at Appendix A.

**1.0 Introduction**

- 1.1 In October 2014 the Secretary of State enacted powers from the Anti-Social Behaviour, Crime and Policing Act, that made changes to some of the relevant existing legislation requiring the council to reconsider its Designated Public Place Orders (DPPOs), which are used to prevent on street drinking, and either withdraw or replace them with new Public Space Protection Orders (PSPOs).
- 1.2 In order to attract even more visitors to Morecambe and Heysham and build the already sizeable events programme it is important to have tools in place that can be used to deal with street drinking and anti-social behaviour.
- 1.3 A number of initiatives have been put in place already (e.g. Council ASB team) that have helped to reduce the impact and prevalence of this. The DPPO will end in 2018. This is a cause of concern.

**2.0 Proposal Details**

- 2.1 Approval is sought to make a Public Space Protection Order (Appendix B) in the area defined by the attached maps (Appendix A). This would replace the current Designated Public Place Order. Lancashire Constabulary have specifically requested that the council puts in place a PSPO as soon as possible as they

consider it will be a useful tool in managing the town centre.

- 2.2 Based on statistics from the Police, the hotspot locations for anti-social behaviour are generally Queen St, Marine Road Central, Euston Road, Regent Road and Heysham Road. Also Public Order Offences increased by 41% in the proposed areas (Appendix C).

- 2.3 Approval of the Public Spaces Protection Order would give Lancashire Constabulary additional powers to help target these issues.

In specific terms the PSPO will provide additional powers to deal with:

- shouting, swearing and behaviour causing annoyance, harassment, alarm or distress
- urinating
- prohibition of alcohol consumption

- 2.4 It is expected that the Anti-Social Behaviour team of Lancaster City Council would mainly enforce the PSPO. Lancashire Constabulary would also have the powers to enforce the PSPO on behalf of Lancaster City Council but collection of fines and any potential prosecutions would be the responsibility of the council.

- 2.5 A person can be issued a fixed penalty notice (FPN) of £100, reduced to £65 if paid within 10 days. Payment of this FPN offers the opportunity to discharge any liability to conviction of that offence. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale. A person guilty of consumption of alcohol in breach of prohibition order commits an offence and is liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale. This is as per section 63 & 67 of the Anti-Social Behaviour, Crime and Policing Act 2014.

- 2.6 The use of a PSPO would contribute to a number of the council's priorities and would also support two of the priorities of the Community Safety Partnership, which are Violence against the Person and Anti-Social Behaviour.

- 2.7 The PSPO that is already in place at Ridge Square and Lancaster City Centre has, along with a number of other actions, had a positive impact on the community and surrounding area.

- 2.8 The PSPO will be for a 3 year term, which is the maximum time allowed and will be reviewed annually by the council's Overview & Scrutiny Committee.

- 2.9 Officers will report on the performance of the PSPO to the Community Safety Partnership and the Overview & Scrutiny Committee.

- 2.10 A PSPO can be varied at any point based on changes in circumstance or issues.

- 2.11 Any Order would be open to challenge by an interested person in the High Court within 6 weeks of it being made. An interested person is defined as an individual who lives in the restricted area or who regularly works in or visits that area.

### **3.0 Details of Consultation**

- 3.1 A formal consultation was launched on the 10 July 2017. As above, the Act is not specific on what constitutes an appropriate consultation, however it is clear that it

requires that the local authority consult with the following:

- Chief Officer of Police for the local area.
- Police and Crime Commissioner.
- Land Owners in the area.
- Any Community Representatives the local authority feels appropriate.

3.2 There were a total of 161 responses received in the online survey. The views of consultees have been taken into account in developing the proposal.

#### **4.0 Revised Guidance**

4.1 Since that consultation the Government also has reviewed the scope and use of PSPOs and issued new revised guidance at the end of December 2017 and provided greater clarity on how to use powers such as PSPOs.

4.2 It follows feedback from charities and other groups who raised concerns that the orders were being used to disproportionately target certain groups in some areas rather than focusing on behaviour that is genuinely anti-social and causing others distress or alarm.

4.3 Particular concerns were raised around the use of the orders against the homeless, buskers, dog walkers and, in some cases, people simply gathering together in small groups in town centres who were not engaged in anti-social behaviour.

4.4 The guidance puts greater emphasis on the need to ensure the powers are used to target specific nuisance behaviours and are not applied in a blanket way against specific groups or behaviour that is not in itself anti-social. It reminds councils that powers should not, for example, target normal everyday behaviour that is not having a detrimental effect on the community's quality of life, such as standing in groups in a town centre.

4.5 The Government wants to ensure that there is transparency and accountability in the use of the powers and has actively worked with a number of organisations including charities working to help the homeless in developing the refreshed guidance.

4.6 Elements of the guidance include:

- focusing on specific and actual problems rather than blanket bans of behaviours that are not in themselves anti-social – such as rough sleeping;
- reiterating that before making a Public Spaces Protection Order councils must consult the police and community representatives to ensure specific groups have the opportunity to comment;
- highlighting how the Civil Injunction and the Criminal Behaviour Order can be used to tackle gang activity.

#### **5.0 Delay in bringing forward the PSPO**

5.1 The original timescale for bringing forward the PSPO has been delayed to enable the now published new guidance to be taken into account in the framing of the proposed Morecambe and Heysham PSPO.

**6.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1:</b> To approve the introduction of a Public Spaces Protection Order covering areas of Morecambe & Heysham	<b>Option 2:</b> To take no action
Advantages	The introduction of a PSPO will provide a clear message about the type of behaviour that is not acceptable within the proposed areas, and will provide additional powers to tackle any anti-social behaviour as described in the Order. The introduction of an Order responds to public concerns about behaviour within the City centre. It also reinforces the council's commitment to partnership working.	None
Disadvantages	Raises public expectation. The PSPO is a tool that can be used by authorised officers. However there is no additional staff resource being allocated to this.	<p>The current no outside drinking rules will no longer be able to be enforced as the DPPO expires in 2017.</p> <p>The Police has requested that as partners in the CSP we take out a PSPO. To take no action would demonstrate a lack of support.</p> <p>Does not demonstrate the council's commitment to community safety and addressing residents' legitimate concerns.</p>
Risks	None.	Reputational damage.

**7.0 Officer Preferred Option (and comments)**

- 7.1 Option 1 is the preferred officer option, and has the support of the Community Safety Partnership and the local community.

**8.0 Conclusion**

- 8.1 The making of a Public Spaces Protection Order covering the designated area of Morecambe & Heysham should enable the better policing of this public space and bring relief to local residents.

**RELATIONSHIP TO POLICY FRAMEWORK**

The proposal supports the council's priorities of clean, green and safe places, and community

leadership.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

The Order will be compliant with the Human Rights Act 1998 as long as the council is reasonably satisfied that the measures in it are justified. Although the Order is at least partially directed at young people and hence raises age specific issues, its effect is intended to be even handed and proportionate and so not to raise issues under the Equality Act.

### **LEGAL IMPLICATIONS**

This report recommends legal action be taken by the council in accordance with the new legislation and also involves subsequent legal enforcement relevant to that action. The legal parameters laid out within the Act will be considered carefully against the proposal for an Order.

### **FINANCIAL IMPLICATIONS**

Enforcement costs under this order will be met by existing Police staff. There were some internal costs for consultation and a small cost associated with the publication of the Order and stationary 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.

### **OTHER RESOURCE IMPLICATIONS**

#### **Human Resources:**

None

#### **Information Services:**

None

#### **Property:**

None

#### **Open Spaces:**

As set out in the report.

### **SECTION 151 OFFICER'S COMMENTS**

The Deputy S151 Officer has been consulted and has no additional comments to make.

### **MONITORING OFFICER'S COMMENTS**

The Deputy Monitoring Officer has been consulted and has no further comments

### **BACKGROUND PAPERS**

None

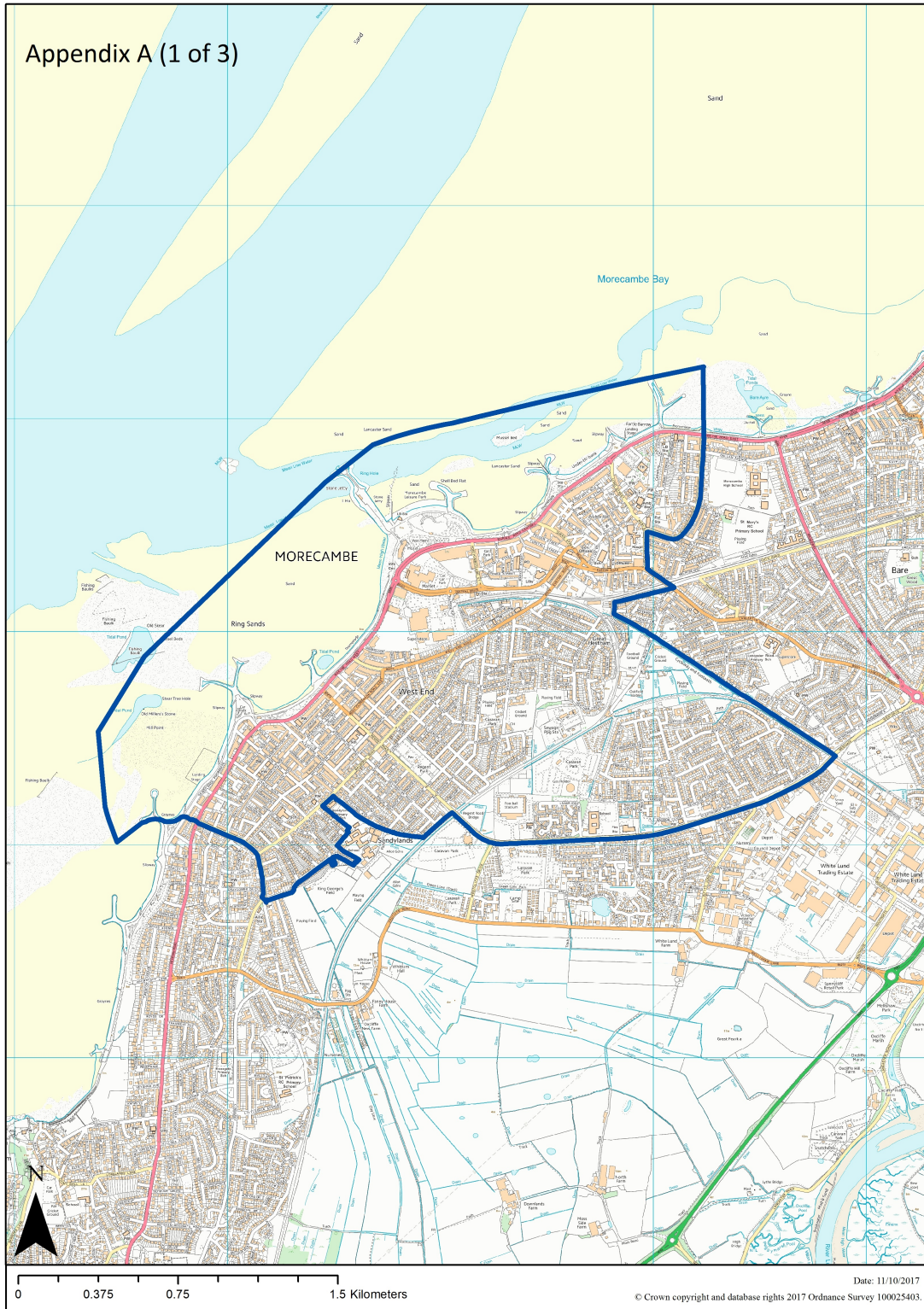
**Contact Officer:** Craig Brown

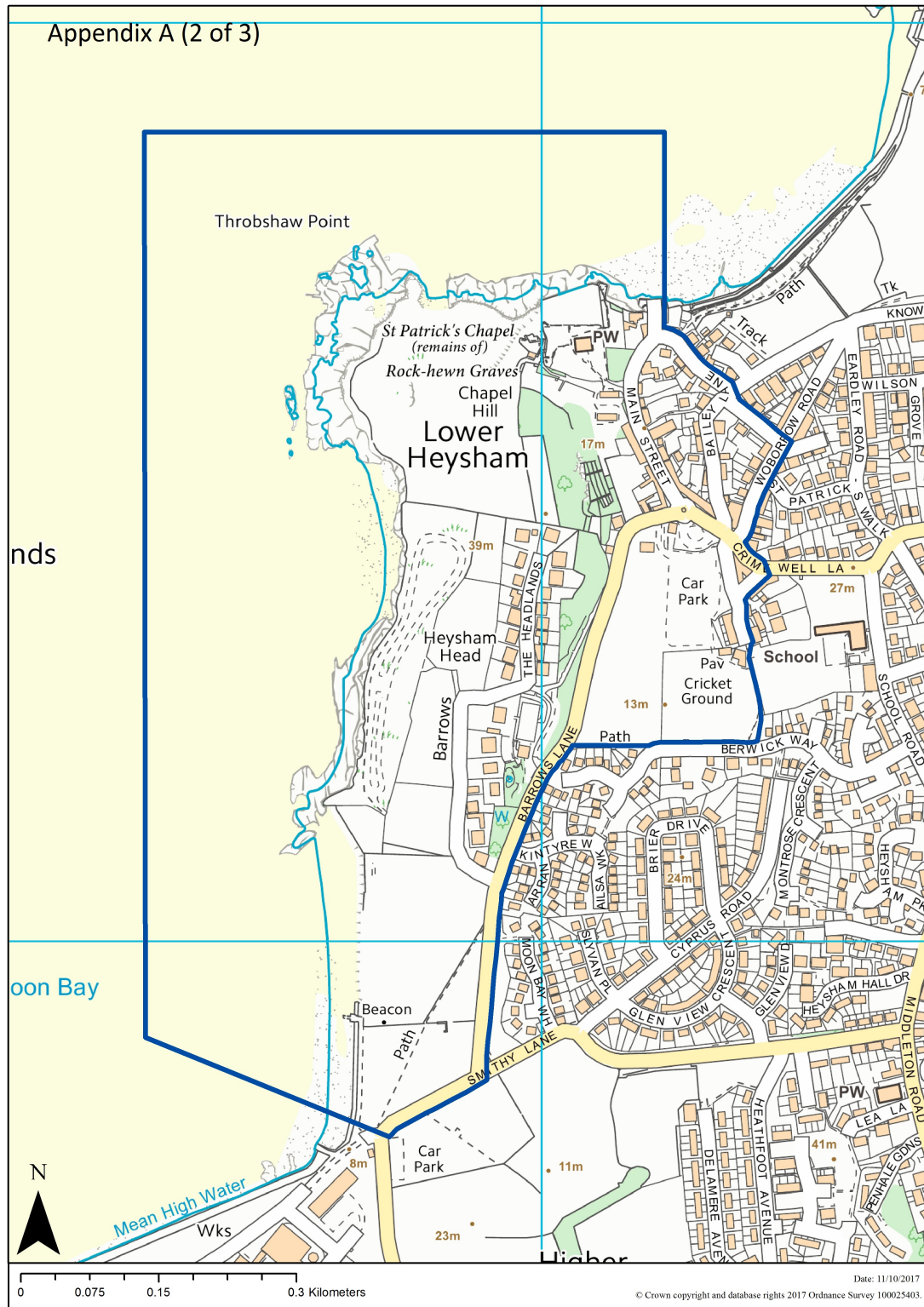
**Telephone:** 01524 582150

**E-mail:** cbrown@lancaster.gov.uk

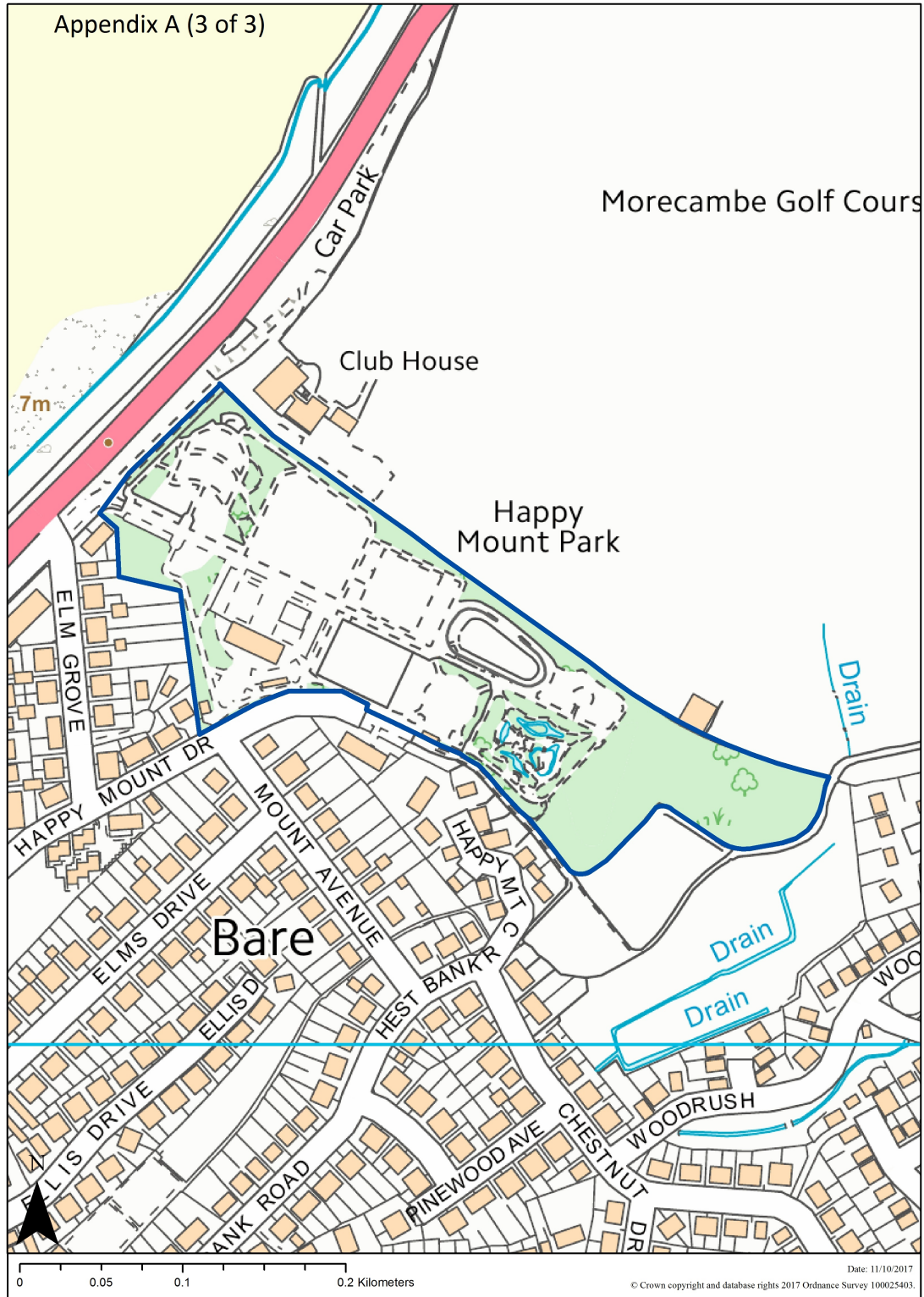
**Ref:** C144











## **APPENDIX B**

Anti-Social Behaviour, Crime and Policing Act 2014

### **MORECAMBE & HEYSHAM PUBLIC SPACES PROTECTION ORDER 2018**

Lancaster City Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

The land described by the map in Schedule 1 being land in the area of the Council is land to which the Act applies and is protected by this Order (hereinafter called the "Designated Area").

This Order may be cited as the Morecambe & Heysham Public Spaces Protection Order 2018 and came into force on \*\*\*\* for a duration of 3 years.

The following prohibitions are imposed on the use of the Designated Area:-

#### **SHOUTING, SWEARING AND BEHAVIOUR CAUSING ANNOYANCE HARASSMENT ALARM OR DISTRESS**

1. No person shall allow their actions to cause annoyance, harassment, alarm or distress to any person within the Designated Area or on land adjacent to the Designated Area or to any person living nearby
2. No group or groups consisting of 2 or more persons shall allow their actions to cause annoyance, harassment, alarm or distress to any person within the Designated Area or on land adjacent to the Designated Area or to any person living nearby

#### **URINATING**

3. No person shall urinate or defecate in public within the Designated Area.

#### **OFFENCE**

4. Any person who, without reasonable excuse, fails to comply with the prohibitions in paragraphs 1-3 above commits an offence

#### **PENALTY**

5. A person who is guilty of an offence under the prohibitions in paragraphs 1-3 of the Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale

#### **PROHIBITION OF ALCOHOL CONSUMPTION**

6. Any person who, without reasonable excuse, continues consuming alcohol in the Designated Area when asked not to consume alcohol by a constable or an authorised person commits an offence
7. Any person who, without reasonable excuse, fails to surrender any alcohol in his possession when asked to do so by a constable or an authorised person in the Designated Area commits an offence.

**PENALTY**

8. A person who is guilty of an offence under the prohibitions in paragraphs 6-7 of the Order shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale

**SCHEDULE 1**

**map**

## Morecambe PSPO

Data obtained is from 1<sup>st</sup> September 2015 to 31<sup>st</sup> August 2017 to show a year on year comparison.

All data has been mapped and extracted from the boundary provided.

### ASB WARD DATA

Below is a ward comparison from within the PSPO boundary – the number of ASB incidents recorded during the 2 year period.

Ward	2015/16	2016/17	Change
Harbour Ward	642	542	-15.6%
Heysham Central Ward	4	6	+50%
Heysham North Ward	580	526	-9.3%
Poulton Ward	663	638	-3.8%
Westgate Ward	136	191	+40.4%
<b>Total</b>	<b>2025</b>	<b>1903</b>	<b>-6%</b>

### 2016/17

Monthly breakdown (1903 incidents)

Month	Incidents
September	199
October	183
November	143
December	140
January	170
February	108
March	162
April	179
May	156
June	159
July	154
August	150

Daily breakdown

Day	Incidents
Mon	270
Tue	226
Wed	261
Thu	272
Fri	267
Sat	332
Sun	275

- 52% (n=983) of all incidents occurred between 15:00 and 21:59 hrs.
- The peak streets have been Marine Road (n=102), Regent Road (n=77), Clarendon Road (n=69), Central drive (n=65), Marine Road Central (n=59) and Heysham Road (n=59).
- Peak locations include
  - Morrisons, Hillmore Way
  - 43 Lordsome Road/woods/field in the area
  - Queen Victoria Centre
  - Alexandra Road

**ALCOHOL RELATED CRIME**

<b>Ward</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Change</b>
Harbour Ward	105	116	<b>+10.5%</b>
Heysham Central Ward	1	1	<b>=</b>
Heysham North Ward	95	83	<b>-12.6%</b>
Poulton Ward	277	273	<b>-1.4%</b>
Westgate Ward	28	30	<b>+7.1%</b>
<b>Total</b>	<b>506</b>	<b>503</b>	<b>-0.6%</b>

Peak crime groups year on year comparison

<b>Ward</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Change</b>
Criminal Damage & Arson Offences	72	54	<b>-25%</b>
Public Order Offences	24	34	<b>+41.7%</b>
Sexual Offences	14	7	<b>-50%</b>
Theft Offences	66	67	<b>+1.5%</b>
Violence Against The Person	311	321	<b>+3.2%</b>

**2016/17**

Monthly breakdown (503 crimes)

<b>Month</b>	<b>Incidents</b>
September	43
October	45
November	35
December	42
January	41
February	39
March	31
April	38
May	38
June	56
July	34
August	61

Daily breakdown

<b>Day</b>	<b>Incidents</b>
Mon	55
Tue	49
Wed	38
Thu	58
Fri	58
Sat	123
Sun	122

- Peak streets include Queen Street (n=62), Marine Road Central (n=45), Euston Road (n=18), Euston Grove (n=15), Regent Road (n=15), Lines Street (n=15) and Heysham Road (n=14).
- Peak locations include The Kings Arms, The Nowhere Bar, The Bull, Lord Nelson and Joiners Arms.

# Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

**Service**

## Title of policy, service, function, project or strategy

Morecambe & Heysham Public Spaces Protection Order 2018(Anti-Social Behaviour, Crime and Policing Act 2014)

**Type of policy, service, function, project or strategy:** Existing ☐ New/Proposed ☒

**Lead Officer**

## People involved with completing the EIA

### Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

Lancaster City Council is proposing to introduce a PSPO within areas of Morecambe Heysham. A breach of the order is a criminal offence that can result in the offender being report to the court or the breach being discharged by Fixed Penalty Notice.Restrictions on the proposed behaviours may have an impact on protected characteristics or other strategic equalities considerations, in particular the safeguarding of children and vulnerable adults, mental well-being and community resilience, and disability. The impact on all factors has been considered.

Q2.

Who is intended to benefit? Who will it have a detrimental effect on and how?

PSPO's were created by the Anti-Social Behaviour, Crime and Policing Act 2014 and are intended to deal with any nuisance or problem in a defined area that is detrimental to the local community's quality of life. A PSPO can impose restrictions on the use of an area which applies to everyone. The aim is to stop individuals or groups committing anti-social behaviour in public spaces.

### Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## Equality Impact Assessment

Other socially excluded groups such as carers, areas of deprivation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Step 1.3 – Is there a need to consult!

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

NO

### Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

<b>Age:</b> There is no evidence that this will impact on any specific person based on their age.
<b>Disability:</b> There is no evidence that this will impact on any specific person based on their disability.
<b>Faith, Religion or Belief:</b> There is no evidence that this will impact on any specific person based on their beliefs or religion.
<b>Gender including Marriage, Pregnancy and Maternity:</b> There is no evidence that this will impact on any specific person based on gender.
<b>Gender Reassignment:</b> There is no evidence that this will impact on any specific person based on gender reassignment.
<b>Race:</b> There is no evidence that this will impact on any specific person based on race.
<b>Sexual Orientation including Civic Partnership:</b> There is no evidence that this will impact on any specific person based on sexual orientation.
<b>Rural Communities:</b> The order is proposed in and around the Morecambe & Heysham and will not have an impact on the rural communities.

### Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

Controls will be in place through an Enforcement Protocol. This will assist enforcement officers and provide guidance when they were dealing with a potential breach of the order and ensure the first consideration is the welfare of the individual they are dealing with.

Q7.

Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

Click here to enter text.

### Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

n/a

## Equality Impact Assessment

Q9. If you are not in a position to go ahead, what actions are you going to take?

Click here to enter text.

Q10. Where necessary, how do you plan to monitor the impact and effectiveness of this change or decision?

Through monitoring of breaches, enforcement and outcomes.

<b>CABINET</b>
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## Fixed Penalty Notice Enforcement Charges for Fly Tipping & Waste Related Offences

**24 April 2018**

### Report of Chief Officer (Health & Housing)

PURPOSE OF REPORT			
To establish Fixed Penalty Notice (FPN) enforcement for fly tipping and specific other waste related offences and set the levels for fixed penalty charges.			
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input type="checkbox"/>
		<b>Referral from Officer</b>	<b>X</b>
<b>Date of notice of forthcoming key decision</b>	N/A		
<b>This report is public.</b>			

#### RECOMMENDATIONS OF ANDREW WARRINER AND BRENDAN HUGHES:

- (1) That enforcement by way of fixed penalty notices be established for fly tipping and waste disposal related offences as described in this report, in order to deter and deal efficiently with offending and ultimately to help improve the cleanliness of neighbourhoods and open spaces.
- (2) That the levels of fixed penalty charges be set at the maximum permitted with early payment reductions if paid within 10 days as set out in the report.

#### 1 Introduction

- 1.1 In 2016/17 local authorities in England reported more than a million incidents of fly tipping costing taxpayers an estimated £58 million to clear. Nationally that year a reported 1,602 prosecutions were taken for fly tipping and 56,000 fixed penalty notices (FPN's) were issued.
- 1.2 Also in 2016/17 the council dealt with 3,765 unlawful deposits of wastes on land. Most commonly wastes were placed in back alleys and on footpaths and highways. However wastes were also transported and dumped in open spaces, on other people's land and in rural areas. 83% of incidents involved domestic waste and 17% involved wastes from non-domestic sources. 1,655 incidents involved quantities ranging from single black bags to no more than a car boot load, whilst 2,110 involved quantities ranging from a small van or transit load up to a tipper lorry load. In addition to deliberate fly tipping of wastes, offending behaviours range from repeatedly putting bags and bins out on the wrong day or time, neglecting or abandoning deposited wastes, and businesses unlawfully depositing or disposing of their wastes. This council took 1,418 enforcement-related actions for wastes offending during 2016/17, including 20 prosecutions and around 15 FPN's for littering. Prosecuting for fly tipping offences led to fines typically of around £1,000 including costs
- 1.3 This financial year, the council collected 396 tons of fly tipped waste up to

December 2017 with a full year projected total of 528 tons costing around £250,000 just for waste removal and disposal. The true cost to the council including responding to an incident and undertaking appropriate investigation and enforcement, combined with the costs of administering and publicising environmental enforcement, are substantially greater.

- 1.4 The council's Environmental Enforcement team transferred from Environmental Services to Health & Housing's Public Protection service group in November 2017. In December 2017 a new Lead Environmental Enforcement Officer was appointed. In February 2018 two growth bids were approved working closely in combination:
- a) a third environmental enforcement officer being employed fixed-term over 23 months to help transform enforcement – this highly responsive post will working closely with affected communities and deliver fixed penalty notice enforcement
  - b) a range of transformative waste collection and street cleansing approaches to fundamentally and lastingly improve cleanliness of neighbourhoods and public places
- 1.5 A range of legal instruments is provided to regulate the storage, handling, transportation, treatment and disposal of wastes. Fundamentally, any person producing or for the time being holding any waste has a 'duty of care' to prevent waste-related problems and to ensure waste is properly and lawfully transferred to its ultimate point of disposal. In view of the challenges involved in detecting and dealing with offenders who unlawfully dispose of their wastes and pass on to someone else the problem and clean-up/disposal cost, the burden of proof rests in law with a producer and holder of any waste to demonstrate their legal compliance. Section 3 below outlines the offences relevant to the FPN enforcement sanctions proposed in this report.
- 1.6 On 2 April 2018 the council launched Operation Peregrine which is a new fly-tipping reduction strategy. Making use of existing and new techniques, tactics and problem-solving models, the aim of Operation Peregrine is to reduce fly tipping across the Lancaster district by deterring, disrupting and preventing offending. Delivery of this the strategy will involve:
- education and awareness-raising initiatives
  - engagement and empowerment of communities in support of the city council addressing a problem that blights their neighbourhoods
  - applying the full range of enforcement sanctions in appropriate cases

Officers will monitor, review and report to Members on the future progress, performance and effectiveness of Operation Peregrine.

## **2 Fixed Penalty Notice enforcement**

- 2.1 The council carries out a range of enforcement activities using FPNs. The use of FPNs for a first time small-scale offences, sometimes where the offender has immediately accepted responsibility, is an expedient and effective enforcement method often preventing the need for significant administrative and enforcement costs of investigation, file building and prosecution in the Magistrates Court. Being the personal subject of FPN enforcement is uncomfortable, however payment is optional and it enables offenders to avoid entering the criminal justice system unnecessarily. FPN enforcement also releases enforcement staffing capacity to cover a greater number of cases. Blighted communities tend to be supportive of quick and simple enforcement against offending behaviours.
- 2.2 It is intended that FPNs will be issued for relatively low level offences such as first-time opportunist fly tipping and (in combination with awareness-raising) failure by a trade/commercial/industrial waste holder to exercise responsibility such that their wastes become a community concern.

- 2.3 It is generally a matter for individual local authorities to determine the level of penalty charge for a FPN, usually within maximum levels determined by legislation.
- 2.4 Nationally and within the Lancaster district around 95% of FPN's are accepted and the charges paid by offender at the earliest opportunity. The FPN's and charges proposed in this report would be administered proportionately, fairly and firmly as per existing FPN powers. The purpose would be to help deliver the council's neighbourhood cleanliness aims. FPN issuing, administration and payment collection or enforcement would be provided through existing arrangements used for example when dealing with dog fouling offences.

## 3 Offences

### 3.1 Fly tipping offences

- 3.1.1 It is an offence to deposit controlled waste on land, or knowingly cause or permit its deposit, otherwise than in accordance with a permit, licence or legally granted exemption (Section 33 of the Environmental Protection Act 1990). The common term for most such wastes offending that the council encounters under section 33 is Fly Tipping. In response to public concern about fly-tipping and the appropriateness of the sanctions available to deal with it, the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into law on 9 May 2016. These Regulations introduced a new power in section 33ZA of the Environmental Protection Act 1990, permitting an authorised officer of a waste collection authority to serve a fixed penalty notice on a person they have reason to believe committed an offence under section 33(1)(a) including fly tipping.
- 3.1.2 The average cost to a local authority of dealing with a fly tipping incident can exceed £200. It is therefore considered important when setting the level of a fixed penalty charge that it should at least cover this cost.
- 3.1.3 A significant number of local authorities across the UK have adopted Fixed Penalty Notice enforcement for lower level fly tipping in view of its advantages outlined in section 2 of this report. It is intended that this council would apply fly tipping FPN enforcement in appropriate cases to both domestic and trade/commercial/industrial offenders. The latter will also be subject to the enforcement options at 3.2 and 3.3 below in this report.

### 3.2 'Duty of care' offences relating to transfer of wastes

- 3.2.1 Under section 34 of the Environmental Protection Act 1990 imposes a legal 'duty of care' on any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, is a broker for it. The duty of care requirements include that the transfer of any waste must be secured only to an authorised person/authorised transport and that a written description of the waste must accompany its transfer. The typical paper format is known as a 'waste transfer note' although there are electronic and season ticket type equivalents.
- 3.2.2 With the exception of a householder originating and transporting their own domestic waste, unless the appropriate documentation is in place then waste cannot be accepted at a lawful collection and disposal point. Checking waste documentation notes enables the rapid confirmation of legal compliance. It also leaves offenders with nowhere to hide or give enforcing authorities the run-around. It is an offence under section 34 of the Environmental Protection Act 1990 to fail to comply with 'duty of care' waste documentation. Commonly, this will involve failure to produce a Waste Transfer Note when so required by a relevant enforcing authority such as this council. The power to issue FPNs for such offences is provided in section 34A of the same legislation.
- 3.2.2 FPN's and charges offer a particularly efficient enforcement tactic when people

(other than domestic householders transporting their own waste lawfully) are found to be committing such offences. Raising trade and business awareness and proactively checking compliance in the Lancaster district will be a very strong and successful tactic in preventing fly tipping crime. The tactical option is very useful for business types that present risk - takeaways, builders and trades people, particularly when a suspected source to Fly Tipping is identified to the team through intelligence.

### 3.3 Waste Carrier registration offences

3.3.1 The legal requirement for Waste Carrier registration was introduced to enable effective regulation, to provide ready checking on the lawfulness of waste carriers, and to facilitate the detection of unregistered waste carriers. An unregistered waste carrier cannot legally transport controlled waste in a course of business or for a profit and is therefore unlikely to deposit wastes in a lawful place. It is an offence under Section 5 of the Control of Pollution (Amendment) Act 1989 if a person transporting waste fails to produce a Waste Carrier's registration documentation when reasonably required to do so by an authorised officer. The power to issue FPNs for such offences is provided in section 5B of the same legislation.

3.3.2 This is another area where FPN enforcement provides an expedient sanction for dealing with unlawfulness. Promoting awareness of positive business compliance is anticipated to leave only those with unlawful intentions. Some simply try to avoid the costs of trade refuse collection by personally disposing of their wastes (in public litter bins, other people's paid for bins, or by burning or taking it home and putting it out for domestic collections). Enforcement officers will particularly target rogue waste carriers who are operating in Lancaster district. It is evident that a significant number of the fly tipping offences are committed by unscrupulous rogue waste carriers - taking household rubbish for cash, no questions asked and going on to fly tip that waste.

### 3.4 Other sanctions

3.4.1 In addition to FPN enforcement other regulatory sanctions are available and the council's strategy will be to make use of these where circumstances are appropriate, for example section 5 of the Control of Pollution (Amendment) Act 1989 provides the power to seize a vehicle suspected of being involved in waste crime and section 146 of the Powers of Criminal Courts (Sentencing) Act 2000 enables enforcing authorities to apply to the courts for an order for the defendant to be disqualified from driving for a period of time. These sanctions would be used in the more extreme cases.

3.4.2 Officers will also be using the full range of investigatory tools, including authorised CCTV surveillance targeted to catch offenders efficiently.

## 4 **Proposal Details**

4.1 In view of the problems posed to our communities by wastes-related offending, and the costs to the tax payer of clean-up and disposal, it is proposed that this council adopts the strongest position possible in relation to the fixed penalty charge levels. Doing so conveys the most deterrent message to offenders and potential offenders. Setting lower levels of fixed penalty charge would reduce the impact of our environmental enforcement services and our new strategy under Operation Peregrine.

4.2 The proposed amounts of fixed penalty charge dealing with each specific offence described in section 3 above is as follows. In line with the council's existing FPN arrangements (for example dog fouling, anti-social behaviour Community Protection Notices, Public Space Protection Orders), early payment reduced

charges are also proposed below. Early payment rates dramatically reduce the need for expensive and time consuming prosecutions to be mounted.

Offence	Legislation	Maximum permitted amount of fixed penalty charge	Proposed amount of early payment option
Fly Tipping	s33a EPA 1990	£400	£300 if paid within 10 days
Failure by non-domestic person to comply with their duty of care (including the failure to produce a sufficient record/note of waste being transferred)	s34 EPA 1990	£300	£200 if paid within 10 days
Failure by non-domestic person to produce full and proper legal documentation of Waste Carrier's registration	s5B(s) Control of Pollution (Amendment) Act 1989	£300	£200 if paid within 10 days

4.3 To inform decision making, the following information has been sought and the responses are presented on prevailing levels of fly tipping fixed penalty charges enforced by other local authorities in Lancashire.

- Ribble Valley - £400, no information about early repayment discount
- Blackpool - £400, reduced to £250 if paid within 10 days
- Fylde - £400, reduced to £200 if paid within 14 days
- Blackburn - £400, reduced to £300 if paid within 10 days
- Chorley - £400, reduced to £200 (no information about time)

It can be seen from this information that the proposed full level of fly tipping FPN charge is highly consistent with the named other Lancashire authorities. The proposed level of early payment charge payment at £300 exceeds those in a number of authorities. The reason for this is to set early payment discounts at a level covering more of the enforcement, clean-up and disposal cost of each offence.

## 5 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Set FPN charges at the maximum permitted to be paid within 21 days (with no early payment reduction).	<b>Option 2:</b> Set FPN charges at the maximum permitted (with early payment if paid within 10 days at the amount proposed at paragraph 4.2 )	<b>Option 3:</b> Set FPN charges at lower levels (to be decided by the Cabinet meeting)	<b>Option 4:</b> Decide not to implement FPN enforcement for these offences at this time.
	<ul style="list-style-type: none"> <li>• Full charge levels aligned with those of the other Lancashire councils noted in this report.</li> </ul>	<ul style="list-style-type: none"> <li>• Full charge levels aligned with those of the other Lancashire councils noted</li> </ul>	<ul style="list-style-type: none"> <li>• More people might opt to pay a lower level of penalty rather than</li> </ul>	<ul style="list-style-type: none"> <li>• There is no obligation to issue FPNs for offences, as regulations state that an</li> </ul>

	<b>Option 1:</b> Set FPN charges at the maximum permitted to be paid within 21 days (with no early payment reduction).	<b>Option 2:</b> Set FPN charges at the maximum permitted (with early payment if paid within 10 days at the amount proposed at paragraph 4.2 )	<b>Option 3:</b> Set FPN charges at lower levels (to be decided by the Cabinet meeting)	<b>Option 4:</b> Decide not to implement FPN enforcement for these offences at this time.
<b>Advantages</b>	<ul style="list-style-type: none"> <li>• The maximum level of fixed penalty charge would provide the maximum deterrent effect.</li> <li>• Demonstrates that the council is maximising impact of FPNs.</li> </ul>	<p>in this report.</p> <ul style="list-style-type: none"> <li>• The maximum level of fixed penalty charge would provide the maximum deterrent effect.</li> <li>• Consistent with Lancaster PSPO &amp; Dog-related FPNs in terms of early payment discount and timescales.</li> <li>• Policy of offering early payment reduction would be aligned largely with other Lancashire councils.</li> <li>• Demonstrates a strong enforcement sanction maximising impact of FPNs whilst offering a less costly option to avoid further action. This can be seen as a balanced approach, speeding up resolution and reducing the need and staffing implications of avoidable prosecutions.</li> <li>• The receipts from early payment charges would</li> </ul>	<p>risk being prosecuted. This would benefit staffing capacity in the council's Legal team.</p>	<p>authorised officer 'may' issue a FPN.</p> <ul style="list-style-type: none"> <li>• No FPN administration requirements</li> </ul>



	<b>Option 1:</b> Set FPN charges at the maximum permitted to be paid within 21 days (with no early payment reduction).	<b>Option 2:</b> Set FPN charges at the maximum permitted (with early payment if paid within 10 days at the amount proposed at paragraph 4.2 )	<b>Option 3:</b> Set FPN charges at lower levels (to be decided by the Cabinet meeting)	<b>Option 4:</b> Decide not to implement FPN enforcement for these offences at this time.
		still help to cover the council's clean-up and disposal costs.		
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>• Inconsistent with ASB, PSPO &amp; Dog-related FPN enforcement which offers early payment discounted charges.</li> <li>• Likely to result in higher levels of non-payment, substantially increasing the quantity and burden of prosecution work.</li> </ul>		<ul style="list-style-type: none"> <li>• Lower deterrent effect than would be provided by a higher level of charge.</li> <li>• Inconsistent with both existing PSPO and levels set by other councils in Lancashire.</li> </ul>	<ul style="list-style-type: none"> <li>• The benefits of FPM enforcement would be missed.</li> </ul>
<b>Risks</b>	<ul style="list-style-type: none"> <li>• Could be perceived as 'harsh' compared to those councils having set lower charge levels of for early payment</li> <li>• More resources tied up in prosecutions due to non-payment.</li> </ul>	<ul style="list-style-type: none"> <li>• Council could be criticised for offering a 'cheap' way out of formal action.</li> </ul>	<ul style="list-style-type: none"> <li>• Council could be criticised to some degree as insufficiently strong on enforcement sanctions.</li> </ul>	<ul style="list-style-type: none"> <li>• Undermines the reach, impact and efficiency of the proposed enforcement.</li> <li>• Would not in relation to enforceable offences recover the Council's average costs of removing fly tipped waste.</li> </ul>

## 6 Officer Preferred Option (and comments)

- a. The officer recommendation is Option 2 - that the level of charge for Fixed Penalty Notices is set at the maximum permitted level payable within 21 days, and that the amount payable is reduced as set out in paragraph 4.2 where payment is received within 10 calendar days of the date of issue.
- b. The levels of charge in Option 2 provide the greatest deterrent available which complementing the approach the council is taking to tackle fly tipping, and providing an incentive to pay FPNs early (minimising the requirement

for court proceedings).

## 7 Conclusion

- 7.1 Approving FPN enforcement and setting the level of penalty charge for offences at the highest level available sends a clear message about how seriously the council is taking the issue of fly tipping. It provides the biggest available FPN penalty charge deterrent to perpetrators of fly tipping.
- 7.2 Alternative levels of penalty charge below the maximum £400 would be equally enforceable.

### RELATIONSHIP TO POLICY FRAMEWORK

Contributes to the Clean & Green Corporate Priority  
Contributes to the Lancaster District Community Safety Strategy

### CONCLUSION OF IMPACT ASSESSMENT

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

Health & Safety – None arising directly from this report.

Equality & Diversity – No foreseeable equality or diversity impacts either arising from the use of fixed penalty notices (as this will be undertaken in an equitable way as per the Council's Enforcement Policies, FPNs already being used by a variety of council functions) or arising from the proposed level of charge.

Human Rights – None arising directly from this report.

Community Safety – Enforcement of fly tipping and waste disposal related offences through the use of fixed penalty notices and charges is expected to have a significant positive impact on community safety.

HR - None arising directly from this report.

Sustainability - None arising directly from this report.

Rural proofing - None arising directly from this report.

### LEGAL IMPLICATIONS

The legal background to the Council's power to issue FPNs has been set out in the body of this report. The failure to discharge a FPN may lead to Prosecution and the Council's legal services department will have to deal with such cases.

### FINANCIAL IMPLICATIONS

It is not expected that there will be any significant financial implications arising as a result of the report recommendations. It is difficult to predict levels of fine income at this stage but it is expected to be relatively low, i.e. around £900 to £1,200 in the current year based on 3 FPN's being issued. This may be used to cover associated surveillance and equipment costs, if appropriate, and any enforcement costs would need to be met within existing staff resources.

Any updates to the maximum FPN charges in future years and the associated early payment charges would be implemented under existing officer delegations.

### OTHER RESOURCE IMPLICATIONS

#### Human Resources:

None arising directly from this report.

#### Information Services:

<p>None arising directly from this report.</p> <p><b>Property:</b></p> <p>None arising directly from this report.</p> <p><b>Open Spaces:</b></p> <p>None arising directly from this report.</p>	
<p><b>SECTION 151 OFFICER'S COMMENTS</b></p> <p>The Section 151 Officer has been consulted and has no further comments.</p>	
<p><b>MONITORING OFFICER'S COMMENTS</b></p> <p>The Monitoring Officer has been consulted and has no further comments.</p>	
<p><b>BACKGROUND PAPERS</b></p> <p>Legislation specified in the body of this report</p>	<p><b>Contact Officer:</b> Dave Vickers, Lead Environmental Enforcement Officer</p> <p><b>Telephone:</b> 01524 582716</p> <p><b>E-mail:</b> DVickers@lancaster.gov.uk</p> <p><b>Ref:</b> C146</p>

# Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

**Service**

Health & Housing

**Title of policy, service, function, project or strategy**

Use of Fixed Penalty Notices for Enforcement of Environmental Crime Offences

**Type of policy, service, function, project or strategy:** Existing ☐ New/Proposed ☒

**Lead Officer**

David Vickers

**People involved with completing the EIA**

Richard Walsh, Public Health & Protection Manager

**Step 1.1: Make sure you have clear aims and objectives**

Q1. What is the aim of your policy, service, function, project or strategy?

To prevent, deter and disrupt fly-tipping offenders and deal with lower-level offences in the most efficient and effective way possible.

Q2.

Who is intended to benefit? Who will it have a detrimental effect on and how?

Expedient use of enforcement powers will have a benefit across all sections of the local population. The only detrimental impact will be on those found to have committed an offence.

**Step 1.2: Collecting your information**

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups such as carers, areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Step 1.3 – Is there a need to consult!**

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

# Equality Impact Assessment

No consultation undertaken. We have researched what levels other local authorities in the County have set so that we can be sure that we are consistent regionally.

## Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

Age:	No direct impact
Disability:	No direct impact
Faith, Religion or Belief:	No direct impact
Gender including Marriage, Pregnancy and Maternity:	No direct impact
Gender Reassignment:	No direct impact
Race:	No direct impact
Sexual Orientation including Civic Partnership:	No direct impact
Rural Communities:	No direct impact

## Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

No discrimination, either direct or indirect, is anticipated.

Q7. Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

No further information required.

## Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

The use of Fixed Penalty Notices to enforce appropriate offences provides an expedient method of punishing offenders, which is a more efficient and effective use of resources as opposed to prosecution through the court system.

Q9.

If you are not in a position to go ahead, what actions are you going to take?

N/A

Q10. How do you plan to monitor the impact and effectiveness of this change or decision?

The use of FPNs will be monitored and reviewed as part of the overall review of the Council's fly-tipping strategy. Numbers of FPNs issued and the rates of take-up will be recorded and reviewed regularly to ensure that they are providing an effective enforcement option.

**CABINET**

## RE-PURPOSING MORECAMBE BUS STATION AS A YOUNG PEOPLE HANG-OUT AREA TO HELP COMBAT ANTI-SOCIAL BEHAVIOUR

**24 April 2018**

### Report of Chief Officer (Health & Housing)

PURPOSE OF REPORT			
To approve re-purposing Morecambe bus station as a youth hang-out area, helping to meeting young people's needs to congregate socially and at the same time positively addressing anti-social behaviour in an area of need.			
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input type="checkbox"/>
<b>Referral from Cabinet Member</b>			<b>X</b>
<b>Date of notice of forthcoming key decision</b>		N/A	
<b>This report is public.</b>			

#### Recommendations of Councillor Andrew Warriner:

- (1) That in principle, approval be given for Morecambe bus station to be re-purposed for the use detailed in this report, subject to the proposal being deemed as having an acceptable level of residual risk (i.e. medium) following full assessment, and sufficient budgetary provision being identified as follows:
  - the refurbishment costs of up to £7K being funded from the Corporate Property Reserve; and
  - all other one-off and ongoing costs, including future repair and maintenance, Wi-Fi connectivity and any additional cleansing costs, being funded from existing Public Realm budgets.
- (2) That subject to (1) above, the Chief Officer (Environment), in consultation with the relevant Portfolio Holder and the s151 and Monitoring Officers, be given delegated authority to implement the decision.
- (3) That the effectiveness of the initiative be monitored and evaluated and reported to the Cabinet Member for Environmental Health and Housing by September 2019.

## **1.0 Introduction**

- 1.1 Young people related anti-social behaviour (ASB) ranging from excessive noisiness and minor public disturbances to hate, assault or behaviour verging on criminal damage rarely arises with a single individual. Commonly a small group and sometimes a large gathering is involved. Only a small minority of young people will deliberately cause serious ASB, whilst some others willingly follow a ringleader.
- 1.2 The council's Anti-Social Behaviour Team established in 2017 has a strategy favouring root causes identification and prevention or de-escalation. It also has a key theme focussing on young people related ASB. The council's ASB officers have already made a wide range of patrols, responses, enquiries, investigations and both informal and formal interventions. Formal community protection actions and even prosecutions are being raised where necessary. However where possible a preventative or de-escalating approach is taken as this tends to be quicker, less expensive and longer-lasting in positive impact for all concerned. Informal interventions involve advice, verbal warnings, parent-child home visits, school liaison, and restorative justice.
- 1.3 There has been a young people related ASB hotspot in central Morecambe not far from Morecambe bus station. Confirmed ASB locations have included Morecambe library, the foyer at Morrisons supermarket (which young people say they find attractive because it is sheltered) and in some fast food establishments. The attentions of the council's ASB team working with the neighbourhood policing team in parts of Morecambe have also seen some dispersal and displacement of young people towards Lancaster city centre with undesirable consequences. The lack of a suitable hang-out area for young people is believed to be a significant part of the reason why this has happened.
- 1.4 For purposes of this report a 'hang-out area' is a defined space, which whilst unsupervised, is a safe facility that young people are encouraged to use in preference to less desirable locations. A hang-out area is likely to be positively received if it is located in an area where young people would choose to spend time together, and particularly if it offers some shelter, seating, lighting and ideally wi-fi connectivity.
- 1.5 Young people are already using Morecambe bus station in its derelict state, one reason being that it is situated adjacent to the skate park provided. Carrying out the minor works noted in this report and offering the bus station as a place of resort would help to minimise ASB impacts.
- 1.6 Our research on the ground has confirmed that the majority of secondary school aged young people have no interest in being associated with ASB, they are responsible and law-abiding, simply seeking places where they can congregate and socialise with people their own age. Commonly, such young people say they feel self-conscious and labelled as anti-social both by local communities and by public officials. This is where preventative solutions such as diversionary activities and places where young people can safely come together for social purposes would be particularly suitable.

- 1.7 A strong community demand has been identified, evidenced most strongly in the Morecambe area, for young people diversionary activities and the establishment of safe hang-out areas. Suitably located and equipped hang-out areas would meet a clear social need for this age group. However choosing and establishing them is likely to pose some costs, logistical issues and local sensitivities. The Public Realm team's research indicates that the cost of creating a new youth shelter accommodating up to 10 people would be in the order of £5k not including fitting-out. Making use of any suitable pre-existing facilities and open spaces may present the quickest, simplest and least expensive short-term way of meeting this need. There appears however to be a very limited supply of existing suitable locations.
- 1.8 It should be noted that Morecambe bus station lies just within the town centre's Development Opportunity Area no.5 for purposes of encouraging beneficial investment and development within the central area (see comments under Relationship with Policy Framework).

## **2.0 Proposal Details**

- 2.1 This proposal presents an opportunity to test the positive impact we can make on ASB by creating a young people's hang-out area in Morecambe. This will support a future determination of wider provision of hang-out areas.
- 2.2 Morecambe bus station, recently the subject to plans for demolition, has been identified as a strong candidate for a suitable hang-out area at least until any regeneration proposals are brought forward for the town centre area. It is relatively central to the transport network and it is well placed to minimise impacts on residents. It would require minimal outlay to re-purpose and maintain it. Young people we have consulted say they would find it an attractive location. There is at present no planned alternative use of the site. In view of the benefits outlined below in this report, an imminent decision to commence demolition has been halted whilst this proposal is decided.
- 2.3 It is proposed that Morecambe bus station be established as a hang-out area for young people. This presents an opportunity for the council to make a positive contribution to address ASB by providing a pre-planned, well managed and relatively safe location that is close to existing amenities and travel connections. This serves to divert young people away from alternative less safe or more sensitive locations which young people have frequented, causing ASB problems, helping to reduce potential ASB community impacts elsewhere. Creating a facility which reflects community needs at little cost.
- 2.4 Requirements have been identified for fitting replacement polycarbonate windows, lighting and free wi-fi connectivity. Also to reposition the existing bench seating. These would be funded at an estimated cost of around £6-7k and at the same time would prevent the need for current demolition-related expenditure of around £10-12K.
- 2.5 The proposal has low level implications for ongoing repair, maintenance and health and safety. Some low level damage might arise from time to time – most likely to polycarbonate windows and it is possible that the current cleansing schedule may need to be increased. However the proactive creation of a place that young people can congregate would promote a positive sense of stewardship and should mostly be self-managing. Any ongoing repair and maintenance, Wi-Fi connectivity and additional cleansing



costs are proposed to be met from within existing public realm budgets.

### 3.0 Details of Consultation

- 3.1 In 2017 coordinated research into young people related anti-social behaviour was conducted by the council's ASB team in consultation with partner services and agencies. This research has identified a range of local community experiences, views and needs that are positively addressed in this proposal.
- 3.2 Partner agencies directly concerned with ASB, including Morecambe Town Council through its Community Safety Committee, have demonstrated strong support for the principle of establishing youth hang-out areas locally to meet young people's needs whilst helping to combat young people related anti-social behaviour.
- 3.3 Whilst no formal public consultation has been carried out in relation to this specific proposal, the town centre public locations chosen originally for both Morecambe bus station and the adjacent skate park balance high community needs for public facilities against low risks of serious disturbance to residents. Informal soundings about this proposal have been taken on the street with young people, who have confirmed their support for it.
- 3.4 Lancashire Police's neighbourhood policing team (which originally suggested this proposal during operational meetings with the council), the council's ASB team/Children & Young People Officer/Safeguarding Officer and Morecambe Town Council's community safety committee are supportive of this proposal, believing that it would be significantly beneficial to the reduction of young people related ASB in Morecambe. The bus station site falls within Poulton neighbourhood policing area and will be patrolled by PCSOs. It will also be monitored by the council's ASB team when patrolling in Morecambe.

### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Approve the re-purposing of Morecambe bus station as proposed.	<b>Option 2:</b> Do not approve the proposal.
Advantages	<p>Establishing a dedicated youth hang-out area meets clear and established community needs: (a) helping protect resident and business communities to be protected from anti-social behaviour, (b) meeting the needs of young people to congregate socially in a suitably safe, well managed space.</p> <p>Doing so without major costs of new-build would give new life to an existing public facility at lower cost than demolishing it.</p>	Any logistical issues and complexities arising from an established youth hang-out area would be avoided, noting that young people related ASB would continue to be responded to in existing ways.
Disadvantages	Essential repair and maintenance costs, Wi-Fi connectivity and	This possibly rare opportunity and attendant benefits listed

	<b>Option 1:</b> Approve the re-purposing of Morecambe bus station as proposed.	<b>Option 2:</b> Do not approve the proposal.
	<p>additional cleansing costs (met within existing Public Realm budgets).</p> <p>Health &amp; safety incidents or safeguarding issues may arise from time to time (managed by further considerations putting appropriate risk assessments and safety controls in place).</p> <p>The opportunity to relieve the council of the financial liability for this building would be lost.</p> <p>It would be necessary to identify further financial provision to demolish the building if the initiative is unsuccessful or, given its location within the Morecambe Area Action Plan, in the event that a significant development/ regeneration proposal is brought forward.</p>	<p>under Option 1 would be missed.</p>
Risks	<p>The bus station serving as a hang-out area could potentially become a location of ASB incidents, however the assessment of the police and council ASB team is that on balance a positive impact would be made on ASB levels overall in the locality and the behaviour of young people using the hang-out area would be monitored.</p> <p>In the normal way of public facilities, and due to the intended attraction of young people to the building, personal injury insurance claims might occasionally arise. The council's Insurance Officer has been notified of this proposal.</p>	<p>Avoidable levels of young people related ASB would continue to manifest in Morecambe town centre facilities, residential areas and public open spaces that a hang-out area could have prevented.</p>

### 5.0 Officer Preferred Option (and comments)

The officer recommendation is Option 1, subject to residual risk being deemed as acceptable (i.e. medium risk) and the financial implications being in line with those identified within this report. It is expected that the potential risks as highlighted can be successfully managed through careful monitoring and intervention by the Council's ASB team in conjunction with other partner agencies such as the Poulton neighbourhood PCSO team. A review would be undertaken in due course, to evaluate the initiative's success.

## 6.0 Conclusion

- 6.1 Morecambe bus station presents a possibly rare opportunity to positively address young people's needs and create a youth hang-out area making use of existing premises having no identified alternative uses, which is readily available at low cost, and in doing so to meet a clear community need for action to address an anti-social behaviour priority. Any incidents of ASB arising from the use of Morecambe bus station would need to be responded to, managed and kept under review, however such incidents are likely to be fewer than existing at present.

### RELATIONSHIP TO POLICY FRAMEWORK

The Local Plan provides the planning context as the Morecambe Area Action Plan adopted in 2014. The Morecambe bus station building is just within the defined Town Centre, within Development Opportunity Site 5 and actions contained in Action Set 8 apply. The purpose of the Local Plan Policy is to encourage beneficial investment and development within this central area.

Given the planning Policy framework any use of the building should be readily terminable in the event that significant development/regeneration proposals are brought forward.

Specifically, Policy DO5 references the need to improve the legibility of pedestrian routes to and from the train station. It is important that use of Morecambe bus station and activity there does not to impair or deter local pedestrian movement. As an important point of arrival in Morecambe, the location should present the town well. This raises needs for monitoring and management should the proposed hang-out area be approved.

### CONCLUSION OF IMPACT ASSESSMENT

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

Equality & Diversity – No foreseeable equality or diversity impacts arising.

Community Safety – The prevention where possible or reduction of ASB is a key community safety objective. As noted in this report, the council's ASB research has identified a strong need for places where young people can hang out safely. Morecambe's neighbourhood policing team and council ASB team are satisfied that encouraging Morecambe bus station's greater use by young people as a hang-out area will be beneficial to community safety outcomes. Firstly, in helping to reduce prevailing risks to communities experiencing pre-existing gathering places and occasional adverse behaviours there of some young people. Secondly, in encouraging the use of a hang-out area which is lower in community sensitivity and much more highly visible in terms of passing public and patrols. For these reasons, and whilst recognising that no young people's facility will be immune from occasional adverse behaviours, members of Morecambe Town Council's Community Safety Committee have voiced strong support for this proposal. The council's lead Safeguarding Officer has identified no significant safeguarding issues arising from this proposal, however this will be kept under review during the operation of the hang-out area.

Health & Safety – Morecambe bus station offered a suitably safe and sheltered building for public use. Re-purposing it as an unsupervised hang-out area for young people will not adversely affect its suitability as a place of public resort in terms of location and physical

design and fabric. The bench seating layout has been improved, and safer polycarbonate windows and tamperproof electric lighting will be installed. It is never possible when providing and promoting a public facility to guarantee there will be no accidents or potential claims against the council as a result of its legitimate use or foreseeable misuse. For example a person using it falling over, being assaulted, attempting to climb onto the roof, or running out into the highway. However the hang-out area will operate under a site-specific risk assessment ensuring that risks are minimised and full and proper attention is maintained to any necessary safety controls. Being highly visible in Morecambe town centre the hang-out area lends itself to patrolling under the prevailing neighbourhood policing presence and to ad-hoc monitoring by the council's ASB team, both of which with local public safety/reassurance in mind will be responsive to the risk of incidents arising. Issues arising from any insurance requirements will also be taken into account although it is expected that insurance issues will be similar to our other spaces where young people frequent such as playgrounds.

HR - None arising directly from this report.

Sustainability - None arising directly from this report.

Rural proofing - None arising directly from this report.

## **LEGAL IMPLICATIONS**

This proposal acknowledges younger persons are likely to congregate at this location and a duty is placed on the council to ensure adequate safeguards for welfare are in place. Liability should be managed through adequate insurance and other safeguards. The City council may not promote unlawful or criminal behaviour. This proposal provides a potential opportunity for behaviour to be diverted to a more acceptable venue.

The bus station is situated on a public highway, and consideration must be given to the safety, welfare and rights of all potential users of the site.

## **FINANCIAL IMPLICATIONS**

Whilst it was originally intended for Morecambe Bus Station to be demolished using existing R&M budgets within Property during 2017/18, as this has now been put on hold pending the outcome of this report, it would be more appropriate to use the Corporate Property Reserve to fund the re-fit costs for the re-purposing of the bus station due to the timing of the Final Accounts process. This is currently expected to be around £6-7K as opposed to £10-12K for demolition.

It is proposed that ongoing repair and maintenance, Wi-Fi connectivity and other associated costs such as additional cleansing will be met from within existing Public Realm budgets. As an indication, these are currently expected to be no more than £2-3K per annum, although this is subject to confirmation as some aspects, such as the Wi-fi connectivity, still need to be determined. As this will be an additional call on these budgets, this will be need to be prioritised alongside all other existing commitments arising. Responsibility (and the budget) for the hang-out space will rest with Environmental Services.

In light of the need to confirm risk and estimated costs, an in-principle decision is being sought at this stage, with delegated authority to implement the proposal should costs and risks be deemed manageable.

In consultation with the Council's insurance provider, it is not anticipated that there will be any initial increase in the council's insurance costs/premiums. It is re-iterated however, that

any risk assessment needs to take on board the potential for additional public liability claims arising, due to proximity of the shelter to a busy main road, noting that under current policy terms, the Council would be liable for paying the first £25K of any successful claim against us, which in turn would have a negative impact on future premiums.

It is further re-iterated that the re-purposing of the shelter should not impair local pedestrian movement, or given its location within the Morecambe Area Plan, deter any future plans for any significant development / regeneration plans being brought forward.

The financial implications will need to be kept under review and this is provided for within the Officer preferred option. Should any specific financial implications or operational sensitivities arise in the meantime, then these will be reported through the Council's normal corporate monitoring process or directly to Cabinet in the usual way.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

Property Group has serious concerns about the building compliance requirements needed to support the use being proposed, particularly with regards to its unsupervised nature and would recommend comprehensive risk assessments are undertaken by the supporting Service. This is by no means comprehensive but risks include rough sleeping, the introduction of fuel hazards including gas canisters to keep individuals warm at night and drug taking. Furthermore, polycarbonate is highly flammable with the introduction of an accelerant such as lighter fluid.

There are three rooms inside the building, two former wc's and a cleaners cupboard and it would be preferable to remove these and create an open plan space or simply brick up the entrances to prevent break in. Doing so would add to the conversion cost but reduce potential risk by removing uncertainty around the need to install fire detection and fighting equipment. As things stand should someone break into one of these rooms to sleep and die in a subsequent fire then it could be seen by the Health and Safety Executive as a foreseeable event and the Council held liable.

The electricity has been disconnected so reconnection for lighting and wifi would be required at additional cost (potentially several hundred pounds). ICT have confirmed that the cost of setting up public wifi in the building will be in the region of £700.

The building would require an annual fire risk assessment and as it isn't open on 3 sides would need to be designated as non-smoking but the unsupervised nature of this proposal brings into question how that would be policed.

Daily safety checks would be advisable and adding electricity would also entail regular inspection to the electrical installation plus the ongoing cost of electricity.

Encouraging the use of this building as a youth hang out zone would potentially intensify vandalism and graffiti in the area requiring regular maintenance and it would likely be used as a public toilet increasing the need for regular cleaning.

If the proposal is a success then given its location within the Morecambe Area Action Plan we may encounter public resistance should a significant development for the area be identified and if unsuccessful then further financial provision to demolish the building would be required.

Property Group's preference would be for the building to be demolished so the associated liability and ongoing costs can be eliminated permanently.

<b>SECTION 151 OFFICER'S COMMENTS</b>	
The s151 Officer has been consulted; the recommendations provide for suitable assurances to be gained prior to implementation of any in-principle decision.	
<b>MONITORING OFFICER'S COMMENTS</b>	
This report articulates that an opportunity has arisen for managing antisocial behaviour. The risk assessment must be concluded and an acceptable level of risk evidenced. The review of the effectiveness and associated risks of this proposal should be carried out and to ensure it is safe and meets the stated objectives.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Nick Howard, Public Protection Group Manager <b>Telephone:</b> 01524 582734 <b>E-mail:</b> nhoward@lancaster.gov.uk <b>Ref:</b> C145
None	

# Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

**Service**

**Title of policy, service, function, project or strategy**

**Type of policy, service, function, project or strategy:** Existing ☐ New/Proposed ☒

**Lead Officer**

**People involved with completing the EIA**

## Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

Q2.

Who is intended to benefit? Who will it have a detrimental effect on and how?

## Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups such as carers, areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Step 1.3 – Is there a need to consult!

## Equality Impact Assessment

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

1. In 2017 coordinated research into young people related anti-social behaviour was conducted by the council's Anti-Social Behaviour team in consultation with partner services and agencies. This research has identified a range of local community experiences, views and needs that are positively addressed in this proposal. 2. Partner agencies directly concerned with ASB, including Morecambe Town Council through its Community Safety Committee, have demonstrated strong support for the principle of establishing youth hang-out areas locally to meet young people's needs whilst helping to combat young people related anti-social behaviour. 3. Whilst no formal public consultation has been carried out in relation to this specific proposal, the town centre public locations chosen originally for both Morecambe bus station and the adjacent skate park balance high community needs for public facilities against low risks of serious disturbance to residents. Informal soundings about this proposal have been taken on the street with young people, who have confirmed their support for it. 4. Lancashire Police's neighbourhood policing team (which originally suggested this proposal during operational meetings with the council), the council's Anti-Social Behaviour team / Children & Young People Officer / Safeguarding Officer and Morecambe Town Council's community safety committee are supportive of this proposal, believing that it would be significantly beneficial to the reduction of young people related anti-social behaviour in Morecambe. The bus station site falls within Poulton neighbourhood policing area and will be patrolled by PCSOs. It will also be monitored by the council's Anti-Social Behaviour team when patrolling in Morecambe.

### Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

**Age:** Young people would be offered a sheltered hang-out area helping to meet a clearly identified existing community need affecting their age group. This need arises primarily at evenings and weekends although also during school holidays. Other age groups would likely feel discouraged from sharing the hang-out area with groups of young people and, whilst they do not presently frequent the bus station in numbers or for significant periods of time during evenings and weekends, might experience some loss of the facility during daytime hours.

**Disability:** No adverse impacts identified.

**Faith, Religion or Belief:** No adverse impacts identified.

**Gender including Marriage, Pregnancy and Maternity:** No adverse impacts identified.

**Gender Reassignment:** No adverse impacts identified.

**Race:** No adverse impacts identified.

**Sexual Orientation including Civic Partnership:** No adverse impacts identified.

**Rural Communities:** No adverse impacts identified. This proposed facility in Morecambe town centre does no disservice to rural communities.

### Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

Establishing the hang-out area for young people would potentially have had some impact on other age groups' use of the facility, were it not for the fact that it had been scheduled for demolition until this proposal came forward.



## Equality Impact Assessment

Q7. Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

No further information required.

### Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

The proposal is net beneficial to community safety and the only discriminatory implication in principle - on grounds of age - will not be manifested because were it not for the young people hang-out area proposal then the building would have been demolished imminently.

Q9.

If you are not in a position to go ahead, what actions are you going to take?

N/A

Q10. How do you plan to monitor the impact and effectiveness of this change or decision?

No monitoring is required in view of the conclusion noted at Q8 above.

**CABINET**

## Executive Team: Roles and Structure 24 April 2018

### Report of the Chief Executive

<b>PURPOSE OF REPORT</b>				
To enable Cabinet to consider a revised structure for the Executive Team, and give approval for the Chief Executive to commence formal consultation.				
<b>Key Decision</b>	<b>X</b>	<b>Non-Key Decision</b>		<b>Referral from Cabinet Member</b>
<b>Date of notice of forthcoming key decision</b>	25 March 2018			
This report is public. Appendix 1 to this report exempt from publication by virtue of paragraphs 1 and 2 of Schedule 12a of the Local Government Act 1972				

#### OFFICER RECOMMENDATION

- (1) That Cabinet agree to proceed with a consultation with Chief Officers and other parties for changes to the senior management structure.
- (2) That Cabinet invite Personnel Committee to consider the approaches in relation to recruitment and appointments to the proposed new structure.
- (3) To note that a report will be presented to Cabinet following conclusion of consultation

#### 1.0 Background

The Council has developed highly ambitious plans in its draft Council Plan for enhancing the economy, environment and neighbourhoods and communities' wellbeing. This is underpinned by collaboration, facilitation and place-shaping. It has set out its priorities and vision for the district to thrive as a vibrant regional centre in the north west of England in its draft plan. One of the Council's four Ambitions for 2018-22, is to be a Smart and Forward-Thinking Council. The Council has also identified four principles which describe the approach it aims to take through its work; of particular relevance here is the stated principle of taking a "business-like approach".

There are a number of initiatives currently underway which will contribute heavily to the future ambitions of the Council, such as the development of a commercial agenda, the delivery of major regeneration initiatives, the investigation of local authority trading companies and the pursuit of a much enhanced digital agenda. In addition the Council needs to consider, at the same time, more radical plans which enable:

- A focus on the district as a place for investment
- The delivery of excellent services in the most efficient way

- The highest level of customer satisfaction, and
- Strengthening leadership at a senior level

- 1.1 The starting point for this work is to consider the future structure of the senior team.
- 1.2 Prior to finalising this report, consultation has taken place on its content with the LGA, North West Employers and SOLACE.

## **2.0 Senior Team Restructure**

A need to restructure the senior team was identified in August 2015 by the previous Chief Executive. The proposal was rejected at the time as Cabinet felt the new Chief Executive (due to take up the post in July 2016) should consider and agree any structural changes.

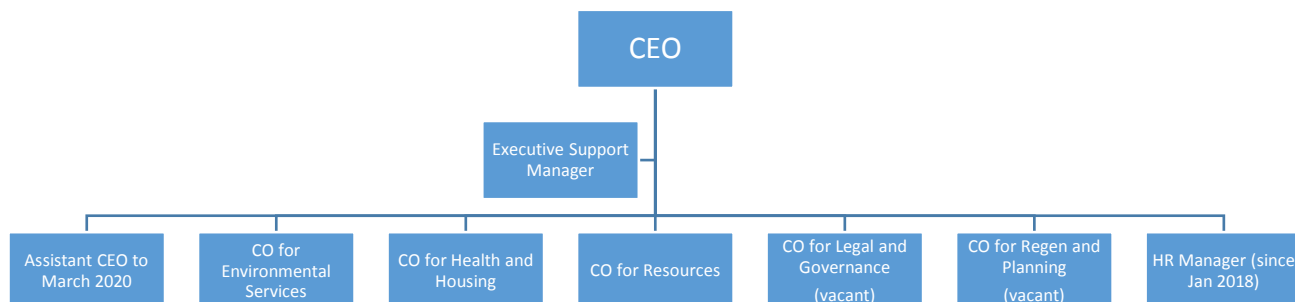
Since the current Chief Executive took up the role, the Council has reviewed its priorities and is now ready to start to work towards agreeing a new structure to effectively deliver on those priorities. The key aims of this proposed plan to restructure are to:

- Introduce a new structure with clearly defined senior roles which enable a strengthening of strategic focus on service provision and delivery, growth and sustainability
- Ensure the right skills are in place for each permanent role at Executive Team level to help shape and successfully drive forward the challenging agenda for the Council
- Bring together a cohesive and supportive team to deliver change

Additional to the potential benefits of a redefined structure is the opportunity this project gives the Council in relation to terms and conditions for senior staff, to create a remuneration structure for the senior team which enables the Council to retain and attract the highest possible standards of talent at this level. A separate exercise has been carried out to benchmark remuneration structures, and this will be reported to Personnel Committee for consideration.

The initial proposal for a new Executive Team Structure is based on what is considered to be appropriate for the Council both now, and for the coming years. Where previous restructures have been in response to an identified need to reduce spend on staffing, this proposal is about the structure the Council needs to put in place to progress an ambitious agenda moving forward. Additionally, this proposal will bring savings to the Council in the longer term should it be implemented.

The Council's existing Structure, at a senior level, is as follows:



Outlined in Appendix 1 is the proposed new structure, together with the rationale and the proposed plan for consultation and implementation.

**Appendix 1 is classed as exempt from publication by virtue of paragraphs 1 and 2 of Schedule 12a of the Local Government Act 1972**

### 3. Costs

Council approved in February 2018 a medium term financial strategy which outlines a saving requirement of £2.403M by 2021/22. The implementation of the Council's senior management reorganisation is to ensure capacity at a strategic level to enable the delivery of the savings required, and to maintain a balanced budget whilst delivering effective or improved services.

Specific costs relating to this proposal are outlined in the Appendix.

<b>RELATIONSHIP TO POLICY FRAMEWORK</b>  The strategic rationale is set out in the body of this report.
<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</b>  No direct impact at this stage.
<b>LEGAL IMPLICATIONS</b>  Consultation is a requirement for the proposed restructure, which must be meaningful and proportionate as set out in the Appendix.
<b>FINANCIAL IMPLICATIONS</b>  The financial implication are set out in the appendix to this report.
<b>OTHER RESOURCE IMPLICATIONS</b>  <b>Human Resources:</b> This report has been prepared with HR advice and includes information about HR implications.  <b>Information Services:</b> Not applicable  <b>Property:</b>

It may be necessary to review accommodation as a result of the proposed staffing changes.

**Open Spaces:**

Not applicable

**SECTION 151 OFFICER'S COMMENTS**

Section 151 Officer approval has not been provided due to conflict of interest, and as this is a fiduciary duty, it is not possible for external sign-off as Section 151 Officer. However, technical financial advice has been sought and provided externally by the Local Government Association, to provide challenge and comment on the development and content of the final report.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted on this report and has no further comment.

Due to the potential conflict of interest for the Council's Section 151 Officer, I am satisfied that the use of specialist financial advice from the LGA is a reasonable and proportionate safeguard.

**BACKGROUND PAPERS**

**Contact Officer: Dave Rigby**

**Telephone: 01524 582180**

**E-mail: [darigby@lancaster.gov.uk](mailto:darigby@lancaster.gov.uk)**

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted