

Present: Councillor Claire Rylott (Chairman), Councillors Richard Austin BEM, Anton Dani, Mike Gilbert, David Middleton, Ralph Pryke and Suzanne Welberry

In attendance:

Portfolio Holders Anne Dorrian and Callum Butler.

Officers –

Assistant Director - Regulation, Democratic Services Officer, Group Manager Public Protection and Insights & Transformation Manager and Democratic Services Officer.

19 APOLOGIES

Apologies were tabled for Councillor Alison Austin with Councillor Richard Austin substituting. Further apologies were tabled by Councillors Neil Drayton, Patsie Marson and David Scoot.

20 MINUTES

With the agreement of the committee the Chairman signed the minutes of the previous meeting.

21 DECLARATION OF INTERESTS

No declarations of interest were tabled

22 PUBLIC QUESTIONS

No public questions.

23 REVIEW OF FIXED PENALTY NOTICES

The Portfolio Holder presented the report advising that the new Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 which came into force on 31st July 2023, had increased the upper fixed penalty limit for the specified offences. The Regulations were introduced as part of the Governments Anti-Social Behaviour Action Plan launched earlier in the year, supporting Councils in tackling environmental crime offences. Boston Borough Council has been pro-active in tackling environmental crime and recognised the negative impact these crimes have on communities, amenities, businesses, and the natural environment. Work undertaken recently included enforcement and education campaigns, intelligence led patrols and use of surveillance cameras. Littering, graffiti, flyposting and fly-tipping blighted communities, imposed avoidable costs on the public purse and could harm the environment, with fly-tipping being aggravated by householders giving waste to unauthorised carriers. Fixed penalty notices provided the Council as an enforcing authority with an effective and visible way of responding to these environmental crimes. They also provided an alternative to prosecution and allowed an individual to discharge liability for an offence by payment of a financial penalty.

The council was not obliged to offer an alleged offender the option to discharge liability through an FPN; however, it could be deemed more proportionate than prosecution through the courts in some cases. In the 2023 Anti-social Behaviour Action Plan, the Government explained that it wanted to see councils take a much tougher approach to these forms of anti-social behaviour and set out new upper limits for fixed penalties notices. The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 increased the upper limit for the fixed penalties that can be issued for these offences.

The Portfolio Holder advised he was seeking an increase in the charges for FPN's and asked committee to consider the table of charges within the report and agree their preference for recommendation to Cabinet.

Committee deliberation followed which included:

Overall members agreed to the need to increase the charges but concern was noted at the transient nature of some residents and the problems of actually finding them to pay the charges. Members were advised that the Council did prosecute all non-payers through the Single Justice Procedure through the courts, which was the most efficient way to process the cases. However, when that happened the court would then take into consideration the persons' financial position at that time and also any mitigating circumstances'. Members were further advised that consideration of the financial demographic of the town had been taken into consideration when structuring the suggested new charged.

On questioning the position of the two others Councils' within the Partnership, members were advised that South Holland District Council had recently increased its charges and East Lindsey District Council was looking into their charging structure, however all three Sovereign Councils would agree their own charging structure, there would not be a single charging structure across the Partnership.

Concerns were noted at on-going fly tipping activity which was prevalent at certain sites within the town, and also at sites whereby waste bins had been removed in an attempt to stop such activity, but where fly tipping incidents continued to take place. It was recognised that not all residents, especially those within the migrant and transient communities were fully aware of the rules and that a collaborative approach was required with residents, landlords and letting agents. Members were advised that an education programme was being rolled out on the 1st November within the hot-spot areas for fly-tipping which would result in stricter enforcement, it would include a leaflet drop in the worst hit areas with the information pack being in multiple languages and incorporating signage

Further concerns noted the issue of bins on the streets particularly on the town centre streets due to residents having no access to the rear of their properties. The effect on the town gave the appearance of it being dilapidated and run down and the situation needed to be addressed ahead of the Boston 400 event which would see large numbers of visitors coming to the town. The key entry sites to the town including the train and coach stations and many of the car parks were all within areas with large number of bins on the pavements. Members were advised that a detailed review was scheduled to look at the current provision / system for waste bins across all areas of the town to determine which bin provisions worked and which did not work, to move forward with a system that worked for all areas.

Questioning ongoing incidents of multiple waste bags being left in front gardens and back yards of properties, members asked if the legislation covered it, and were advised that whilst the new legislation did not cover such incidents, the Council did take enforcement action against those who had carried out such acts which resulted in large build-ups of rubbish on premises. Stressing the need for greater interaction with the landlords and letting agents, members were advised that the Council's environmental team, enforcement team and housing team met regularly with the letting agents to address such issues. On questioning increased use of CCTV, the portfolio holder advised that the Safer Streets Scheme which was being introduced would enable greater coverage of the town.

RECOMMENDED:

That the Environment and Performance Committee recommend to Cabinet that it increase its Environmental Fixed Penalty Notice charges as follows:

OFFENCE	Recommend Charge
Graffiti	£300 or £200 if paid within 10 days
Flyposting	£300 or £200 if paid within 10 days
Littering	£250 or £150 if paid within 10 days
Fly tipping	£800 or £550 if paid within 10 days
Household waste duty of care	£600 or £400 if paid within 10 days

24 QUARTER 1 PERFORMANCE

The Portfolio Holder presented the report and confirmed that it set out the key performance indicators at the end of June 2023. The report was historic in its content and members were assured they would see a positive improvement when quarter 2 reporting was tabled to the committee.

Where a service was indicated as red additional commentary was provided to give greater context to the reason.

Noting the indicators for homelessness the Portfolio Holder advised that it was a very difficult area for the team to monitor, due to the ongoing movement of people between areas resulting in difficulties in maintaining contact. Furthermore the Portfolio Holder praised the increased uptake of swims by residents at the GMLP and also the improved corporate target in respect of staff wellbeing

Member comment followed which included:

In response to a number of questions raised the Portfolio Holder advised that in relation to the cluster of red indicators which appeared to indicate that timeliness was the issue, they would be pursuing the matter with the Chief Executive to get a better understanding as to why vacancies were held, putting pressure on co-workers. Referencing concerns of late planning decisions, members were advised that the additional time allowance was often attributed to the applicant or agent requiring the extension of time, and not necessarily due to the planning department. In response to a query from a member who queried if the number of red indicators out was the usual percentage for the quarter reporting, the Portfolio Holder confirmed that the report tabled 61 KPI's of which 31 were trend indicators. Of the 30 target measures, 20 were either on target or better than target.

Those in the red were all subject to remedial action being taken to address the issues and Quarter 2 reporting would show significant improvements. In addition the Insights and Transformation Manager confirmed they had not monitored the percentages historically but would look at them, they also noted that not all indicators were the same and that none of the red indicators were giving any cause for concern due to the action being taken to address them.

Following notification by a member of issues raised in respect of migrants being housed in local accommodation, the Portfolio Holder confirmed they would have a meeting with the member outside of the committee meeting to address the issues in greater detail.

Concerns were noted by a number of members at the consequences of homelessness on the town itself, and in specific areas including around Crown House where there were high incidents of human defecation, causing a significant and negative impact on the town. Members recognised that not all homeless people wanted to be re-homed, with a percentage preferring to live on the streets with many presenting with a number of issues including substance and alcohol addiction and mental health issues. The Assistant Director – Regulatory and Lead Officer for the committee advised he would take the concerns in respect of the incidents and areas identified forward to his respective colleagues within the Council to look into the issues in greater detail and to keeping the site(s) clean.

25 WORK PROGRAMME

Members were advised that the work programme now included provisional meetings moving forward into the following municipal year, to enable longer term populating of the work programme. Furthermore, members were advised of the four options for alternative scrutiny working which were identified within the report.

A request to the Environment and Performance Committee had been tabled at the recent Joint Scrutiny Committee for a review of the car parking provision and signage of the car parks within the town. Councillors Anton Dani and Mike Gilbert volunteered to take part in a Member Working Group. The clerk confirmed that the offer to join the group would be tabled to all other Scrutiny members for any further volunteers.

The Chairman advised that following the recent member briefing of the CCTV Suite at the Council, a number of concerns had been raised by members including the Chairman who requested a report to be tabled to the meeting scheduled for the 13th February 2024. The report to provide information on the number of operators, their shift patterns – how many work on each shift – any additional staff at peak time. What monitoring of all the cameras could practically take place with the current numbers of staff in the suite? Further information to include obstacles the service faces including visual imparity due to over grown trees / other signage and also how many cameras are operating – how many are currently out of action and for what reason (broken, damaged by ASB) and over what period of time have they been out of use. Input from the staff to the report was also requested to gain their observations of the current service.

A further request was tabled by a member in respect of scrutiny of the PRSA facility in Boston, following concerns they had received by experienced sports providers within the town. Those who had voiced concerns had noted they could enhance the offer and provide greater flexibility. The Lead Officer advised that the request would be taken forward and discussed with the respective officers in the first instance.

The Meeting Closed at 7.40 pm