

Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

This meeting will be recorded and the video archive published on our website

Regulatory Committee

Thursday, 6th June, 2019 at 6.30 pm

Council Chamber - The Guildhall

Members:

Councillor Mrs Jessie Milne (Chairman)
Councillor Mrs Angela Lawrence (Vice-Chairman)
Councillor David Cotton
Councillor Timothy Davies
Councillor Mrs Caralyne Grimble
Councillor Paul Howitt-Cowan
Councillor Mrs Cordelia McCartney
Councillor Mrs Judy Rainsforth
Councillor Jim Snee

1. **Apologies for Absence**

2. **Public Participation**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

3. **Declarations of Interest**

Members may make declarations of Interest at this point or may make them at any point in the meeting

4. **Minutes of Previous meetings**

(PAGES 3 - 15)

To approve the minutes of the Regulatory meeting held on 14 May 2018;

To acknowledge the notes from the Regulatory sub-committees held on:

18 May 2018;
11 October 2018;
28 January 2019;
11 April 2019.

- 5. **Matters Arising** (PAGES 16 - 19)
- 6. **Public Reports for approval**
 - i) Food and Health and Safety Work Plan 2019/2020 (PAGES 20 - 30)
 - ii) Gainsborough Town Council - Public Space Protection Orders (PAGES 31 - 53)

Ian Knowles
Interim Head of Paid Service
The Guildhall
Gainsborough

29 May 2019

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 14 May 2018 commencing at 8:25pm.

Present: Councillor Mrs Pat Mewis (Chairman of Council (in the Chair))

Councillor Mrs Gillian Bardsley
Councillor Owen Bierley
Councillor David Cotton
Councillor Paul Howitt-Cowan
Councillor Mrs Angela Lawrence
Councillor Mrs Jessie Milne
Councillor Richard Oaks
Councillor Mrs Maureen Palmer
Councillor Mrs Judy Rainsforth
Councillor Lewis Strange

In Attendance:
Alan Robinson Strategic Lead Governance and People/Monitoring Officer
Katie Coughlan Senior Democratic & Civic Officer

Apologies: Councillor Mrs Diana Rodgers

1 ELECTION OF CHAIRMAN

RESOLVED that Councillor Jessie Milne be appointed Chairman of the Committee for the 2018/19 civic year.

Councillor Jessie Milne took the Chair for the remainder of the meeting.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Councillor Angela Lawrence be appointed Vice-Chairman of the Committee for the 2018/19 civic year.

3 MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Regulatory Committee of 15 March 2018 be signed as a correct record.

4 TIME OF COMMENCEMENT OF MEETINGS

RESOLVED that the meetings of the Committee will normally commence at 6.30 pm

5 TRAINING

Note Any Member wishing to serve or substitute on this Committee or its Sub Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

The meeting concluded at 8.30 pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Sub-Committee held in the Trent Meeting Room
- The Guildhall on 18 May 2018 commencing at 1.30 pm.

Present:
Councillor Owen Bierley
Councillor David Cotton
Councillor Paul Howitt-Cowan

In Attendance:
Phil Hinch
Martha Rees
James Welbourn
Licencing & Local Land Charges Manager
Lincolnshire Legal Services
Democratic and Civic Officer

Apologies: None.

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY.

RESOLVED that Councillor Cotton be elected Chairman of the Regulatory Sub-Committee for this meeting only.

Councillor Cotton took the Chair for the remainder of the meeting.

2 MEMBERS DECLARATIONS OF INTEREST.

The Chairman declared a personal non-pecuniary interest on the grounds that he was a serving Magistrate and such matters, as being dealt with by the Sub Committee, could be appealed through the Magistrates' Court. In the event that any appeal in connection with the case did arise, Councillor Cotton would not be permitted to consider the appeal and would absent himself from the bench.

3 PROCEDURE

The Chairman welcomed all present to the meeting. The Principles of Natural Justice were followed.

4 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to an, or any individual.

5 REVIEW OF THE SUITABILITY OF THIS PERSON TO REMAIN A FIT AND PROPER DRIVER

Members considered a report on the suitability of a licensee to remain a fit and proper driver.

In light of all the information, the Committee **RESOLVED** to revoke the licence with immediate effect on public safety grounds.

The meeting concluded at 3.40 pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Sub-Committee held in the Trent Meeting Room
- The Guildhall on 11 October 2018 commencing at 1.00 pm.

Present: Councillor Mrs Jessie Milne
Councillor Mrs Pat Mewis
Councillor Mrs Judy Rainsforth

In Attendance:
Tracy Gavins Licensing Enforcement Officer
Phil Hinch Licencing & Local Land Charges Manager
James Welbourn Democratic and Civic Officer

Apologies: None.

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

RESOLVED that Councillor Milne be elected Chairman of the Regulatory Sub-Committee for this meeting only.

Councillor Milne took the Chair for the remainder of the meeting.

2 MEMBERS DECLARATIONS OF INTEREST

None.

3 PROCEDURE

The Chairman welcomed all present to the meeting. The Principles of Natural Justice were followed.

4 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to an individual.

5 ADJOURNMENT

The Legal Advisor asked Members whether they would like to hear the case in the absence of the applicant, or whether they were going to defer.

Members adjourned the meeting at 1326 to deliberate in private.

6 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

The hearing was reconvened at 1341.

Councillor Milne confirmed a deferral of the hearing as, given the circumstances outlined in the Committee agenda, the Panel felt they needed to hear from the applicant in order to be able to determine whether or not the applicant was a “fit and proper person” to be granted a Combined Hackney Carriage/Private Hire Driver’s Licence. It was decided therefore by Members that a further opportunity for the applicant to come and state his case would be given, and that the hearing should be deferred.

The hearing was deferred to the next available date.

The meeting concluded at 1.46 pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Sub-Committee held in The Council Chamber - The Guildhall on 28 January 2019 commencing at 1.30 pm.

Present: Councillor Mrs Jessie Milne (Chairman)
Councillor Paul Howitt-Cowan
Councillor Mrs Angela Lawrence

In Attendance:
Phil Hinch Licencing & Local Land Charges Manager
Tracy Gavins Licensing Enforcement Officer.
Kim Robertson Legal Advisor
Ele Durrant Democratic and Civic Officer

Also Present: Licence Holder

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

RESOLVED that Councillor Milne be elected Chairman of the Regulatory Sub-Committee for this meeting only.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

2 MEMBERS DECLARATIONS OF INTEREST

There were no declarations of interest made at this point in the meeting.

3 PROCEDURE

The Chairman welcomed all present to the meeting. The Principles of Natural Justice were followed. Confirmation was sought that the Applicant was aware that he could have been represented at the meeting, this was affirmed.

4 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to an individual.

5 REVIEW OF THE SUITABILITY OF THIS PERSON TO REMAIN A FIT AND PROPER DRIVER

Members considered a report on the suitability of a licensee to remain a fit and proper driver. The Licensing Manager highlighted the relevant sections of the report with regards to the reason for calling the meeting and brought Members' attention to the appendices. There were no questions from Members and so the Chairman invited the licence holder to present his response to the details of the report.

The licence holder addressed the Sub-Committee and explained the circumstances of the events detailed in the report. He assured Members there were no further issues. The Chairman questioned the licence holder in greater detail and sought clarification on some of the points he had raised.

With no further questions from the Sub-Committee, the Licensing Manager was requested to make any final comments. He reiterated the responsibility of the licence holder to uphold the code of conduct and highlighted that the Sub-Committee was asked to determine whether or not the licence holder was considered a 'fit and proper' person to continue to hold his licence. The Sub-Committee was aware that public safety was its paramount consideration.

The licence holder was then asked to make any final comments. He confirmed he had no further comment to make with regards to the details of the report.

The Chairman explained the Sub-Committee would leave the room to consider all information and to reach their decision.

Note: The meeting was adjourned at 1:58pm

Note: The meeting reconvened at 2:13pm

The Chairman confirmed the Sub-Committee had reached a decision and read aloud the decision notice. It was

RESOLVED that the licence holder be permitted to continue to hold a licence whilst receiving a strict warning regarding his future conduct and such a warning to remain on his record for a period of 12 months.

The meeting concluded at 2:15pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Sub-Committee held in the Council Chamber - The Guildhall on 11 April 2019 commencing at 10.00am.

Present: Councillor Mrs Jessie Milne
Councillor Mrs Pat Mewis
Councillor Mrs Judy Rainsforth

Apologies: None Received

Also Present: Licence Holder in respect of agenda item 6i (present for minutes 1 – 5 only)
Applicant in respect of agenda item 6ii (present for minutes 6 – 10 only)
Applicant's representative in respect of agenda item 6ii (present for minutes 6-10 only)

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY.

RESOLVED that Councillor Milne be elected Chairman of the Regulatory Sub-Committee for this meeting only.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

2 MEMBERS DECLARATIONS OF INTEREST.

There were no declarations of interest made at this point in the meeting.

3 PROCEDURE.

The Chairman welcomed all present to the meeting. The Principles of Natural Justice were followed. Confirmation was sought that the Applicant was aware that she could have been represented at the meeting, this was affirmed.

The Procedure to be followed was summarised by the Legal Advisor.

4 EXCLUSION OF PUBLIC AND PRESS.

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local

Government Act 1972 – Information relating to an individual.

5 REVIEW OF THE SUITABILITY OF THIS PERSON TO REMAIN A FIT AND PROPER DRIVER

Members considered a report on the suitability of a licensee to remain a fit and proper driver. The report also asked Members to consider whether the licensee should be granted a further licence. The Licensing Manager highlighted the relevant sections of the report with regards to the reason for calling the meeting and brought Members' attention to the appendices. Appendix 1 was re-circulated to the Committee as the original had been of poor image quality.

In response to Members' questions, the Licensing Manager confirmed the licensee had provided information of the incident voluntarily.

There being no further questions from Members, the Chairman invited the licence holder to present her response to the details of the report.

The licence holder addressed the Sub-Committee and explained the circumstances of the events detailed in the report. She assured Members there were no further issues. The Chairman questioned the licence holder in greater detail and sought clarification on some of the points she had raised and her current personal circumstances.

With no further questions from the Sub-Committee, or the Legal Advisor, the Licensing Manager was requested to make any final comments. He reiterated the responsibility of the licence holder to uphold the code of conduct and highlighted that the Sub-Committee was asked to determine whether or not the licence holder was considered a 'fit and proper' person to continue to hold her licence and whether or not a further licence should be issued. The relevant paragraphs of the Policy, which the Committee should bear in mind in reaching their conclusions were highlighted to Committee. The Sub-Committee was aware that public safety was its paramount consideration.

The licence holder was then asked to make any final comments. She again spoke of her regret that the incident had occurred, offered assurance to the Sub-Committee that nothing of this nature would happen again and spoke of her love of the job.

The Chairman explained the Sub-Committee would leave the room to consider all information and to reach their decision.

Note: The meeting was adjourned at 10:32am

Note: The meeting reconvened at 11:12am

The Chairman confirmed the Sub-Committee had reached a decision and read aloud the decision notice. It was

RESOLVED that: -

- (a) the licence holder be permitted to continue to hold a licence whilst receiving a strict warning regarding her future conduct;

- (b) the licence holder be granted a further licence to continue to operate whilst receiving a strict warning regarding her future conduct.

Note: The meeting adjourned at 11:17am and the applicant for agenda item 6i left the meeting.

Note: The meeting reconvened at 11:25am and the applicant for agenda item 6ii joined the meeting together with her representative.

6 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

RESOLVED that Councillor Milne be elected Chairman of the Regulatory Sub-Committee for this meeting only.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

7 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made at this point in the meeting.

8 PROCEDURE

The Chairman welcomed all present to the meeting. The Principles of Natural Justice were followed.

The Procedure to be followed was summarised by the Legal Advisor.

9 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to an individual.

10 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE/ PRIVATE HIRE DRIVERS LICENCE

Members considered a report on the suitability of an applicant to be granted a Hackney Carriage/Private Hire Driver Licence. The Licensing Manager highlighted the relevant sections of the report with regards to the reason for calling the meeting and brought Members' attention to the appendices.

There were no questions from Members and so the Chairman invited the Applicant to present her response to the details of the report.

The Applicant addressed the Sub-Committee and explained the circumstances of the events detailed in the report. She assured Members there were no further issues and spoke of her regret.

The Applicant's representative addressed the Sub-Committee and provided a character reference on behalf of the Applicant.

The Chairman and Members questioned the Applicant in greater detail and sought clarification on some of the points she had raised and her current personal circumstances.

With no further questions from the Sub-Committee, or the Legal Advisor, the Licensing Manager was requested to make any final comments. He again reiterated this matter had only been raised by way of a chance meeting and the Applicants DBS documents were clear. The Sub-Committee was asked to determine whether or not the applicant could be considered a 'fit and proper' person to be granted a licence. The relevant paragraphs of the Policy, which the Committee should bear in mind in reaching their conclusions were highlighted to Committee. The Sub-Committee was aware that public safety was its paramount consideration.

The Applicant was then asked to make any final comments. She again spoke of her regret that the incident had occurred, offered assurance to the Sub-Committee that nothing of this nature would happen again and spoke of her love of the job. She also indicated that she had a character statement from one of her regular customers, in support of her application. This was shared with Sub-Committee Members.

The Chairman explained the Sub-Committee would leave the room to consider all information and to reach their decision.

Note: The meeting was adjourned at 11:55am

Note: The meeting reconvened at 12:35pm

The Chairman confirmed the Sub-Committee had reached a decision and read aloud the decision notice. It was

RESOLVED that the Applicant be granted a Hackney Carriage/Private Hire Driver Licence whilst receiving a strict warning regarding her future conduct.

The meeting concluded at 12.38pm.

Chairman

Regulatory Committee Matters Arising Schedule

Purpose:

To consider progress on the matters arising from previous Regulatory Committee meetings.

Recommendation: That members note progress on the matters arising and request corrective action if necessary.

Status	Title	Action Required	Comments	Due Date	Allocated To
Black					
	PSPOs	L&R 26/01/17 Minute Extract It was suggested that it would be useful to see cost comparisons of having a dedicated dog warden against the proposed scheme, over a six month period.	Feedback on all PSPO's will follow in January/February time, so the next available update for Licensing/Regulatory will be in March.	15/03/18	Kathryn Hearn

	PSPO TAC	<p>Minute extract 19/06/17 ... and it was questioned how enforcement would be carried out. The Senior Community Safety Officer acknowledged that it would be a learning process to see what worked best, and that training was being offered to Town and Parish Councils, TAC staff etc, and there would also be CCTV coverage. It was suggested that it would be useful to see feedback after six months on how the</p>	<p>Feedback on all PSPO's will follow in January/February time, so the next available update for Licensing/Regulatory will be in March.</p>	15/03/18	Kathryn Hearn
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		scheme had worked.			
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	PSPO Letter to local councils	A letter to be resent to local parish councils about how to report the breach of a PSPO.	This arose during the Regulatory meeting on 15 March.	14/05/18	Andy Gray
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Agenda Item 6a



Regulatory Committee

Tuesday 6th June 2019

Subject: Food and Health and Safety Work Plan 2019/2020

Report by:

Executive Director of Operations

Contact Officer:

Andy Gray
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To seek approval of the food, health and safety work plan 2019/20 from Elected Members.

RECOMMENDATION(S):

Members are asked to:

- 1) Approve the Food and Health and Safety Work Plan 2019/2020**

IMPLICATIONS

Legal:

The provision of this document is a statutory requirement and it is completed in line with the Food Standards Agency Framework Agreement.

Financial : FINREF FIN/26/20

There are no financial implications in this report

Staffing :

No implications

Equality and Diversity including Human Rights :

No implications

Risk Assessment :

The production of this document is a statutory responsibility. The audit of the food, health and safety and environmental protection work areas noted that this document is required to be produced.

Climate Related Risks and Opportunities :

None

Title and Location of any Background Papers used in the preparation of this report:

None noted

Call in and Urgency:**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

☐

No

☐**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes

☐

No

☐

1. Introduction

- 1.1. The Council is required to produce and approve a work plan that is in line with the Food Standards Agency Framework Agreement and it covers all work undertaken within the Housing and Environmental Enforcement work area relating to Food and Health and Safety.
- 1.2. The purpose of the work plan is to set out how the Council delivers its official controls and fulfils its duties under food, health and safety, public health and drinking water legislation.
- 1.3. This report will be presented to the Regulatory Committee on the 6th of June 2019.

2. Content

- 2.1. The work plan is attached as Appendix 1.

3. Audit

- 3.1. The updating of the work plan was identified within the audit of the food, health and safety and environmental protection work areas during 2018.
- 3.2. This updated work plan ensures that this action within the audit is updated and that the plan is in place for 2019/2020 as required.
- 3.3. This plan will be reviewed annually and will be submitted for approval at the earliest opportunity within each new financial year.

4. Benchmarking and Resources

- 4.1. Following on from the audit there has been a review of the resources available and the benchmarking relevant specifically to food safety. As a result additional resources have been put in place and should commence in summer 2019.
- 4.2. This review referred to and evidenced:
 - An ongoing inability to meet the scheduled number of inspections set out by the Food Standards Agency (FSA), with on average 80% completed annually since 15/16
 - The recognition by Councillors within Progress and Delivery that the number of inspections is behind target and unlikely to meet the target
 - A 2016 Food Service Plan referencing the inability to deliver the required number of inspections
 - The recommendation within the service audit that the target provided is not based on the scheduled number of inspections
 - The net number of inspections increasing annually

- The level of resource in place has been impacted by changes to the structure of the team and by having a fit for purpose line management structure in place
- The ratio of inspections per officer for the Council was relatively low in comparison to other similar districts (geography and number of establishments)
- That sampling has not been completed by the Council for a number of years. 56 samples is the average provided annually across all districts

Food and Health and Safety Work Plan

2019/2020

1. Introduction

- 1.1. The Council is required to produce and approve a work plan that is in line with the Food Standards Agency Framework Agreement and it covers all work undertaken within the Housing and Environmental Enforcement work area relating to Food and Health and Safety.
- 1.2. The purpose of the work plan is to set out how the Council delivers its official controls and fulfils its duties under food, health and safety, public health and drinking water legislation.

2. Service Aims and Objectives

- 2.1. The food and health and safety work areas play a key role in ensuring that the district is a safe and healthy. The work of the service;
 - Protects and improve the health, wellbeing and safety of all persons who live in, work in or visit the district
 - Enables economic development and prosperity
 - Protects and improves the local environment
 - Ensures that a proportionate and risk based approach to enforcement is delivered

3. Links to the Corporate Plan

- 3.1. The Councils Corporate Plan 2019 – 2023 has the following vision;

“West Lindsey is a great place to be where people, businesses and communities can thrive and reach their potential”

In order to deliver the Councils vision it will focus on three key areas; Our Council, Our People and Our Place.
- 3.2. This work plan supports this vision and specifically contributes to a number of key activities such as;
 - Creating a safer, cleaner district in which to live, work and socialise
 - Reducing health inequalities and promote wellbeing across the district through the promotion of healthy lifestyles
 - Creating strong and self-reliant communities and promote positive life choices for disadvantaged residents

4. Links to Other Council Functions

- 4.1. The Councils Corporate Enforcement Policy was reviewed and updated in 2018 and provides the framework under which these functions operate.

4.2. The work across the wider Housing and Enforcement service area seeks to broaden the scope of the food and health and safety work areas. This particularly relates to food premises that may present wider issues relating to housing or environmental health.

4.3. The work areas also contribute and influences work relating to development management and policy, growth, licensing and community safety.

5. Authority Profile

5.1. The West Lindsey District is one of the largest and most rural in England. It covers 1,156km² (446 square miles), with the administrative centre in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.

5.2. The mid-year population estimate for 2017 was 94,300; an increase of 566 people or 0.6% compared to 2016. The population is steadily growing and is dispersed across 42,670 households. However it is an ageing population and is ageing at a faster rate than the population nationally. The south of the district has experienced sustained growth.

5.3. Across the district there are wide variations in the levels of deprivation. Some areas experience the highest levels of deprivation in the country, while others are amongst the most affluent.

6. Scope of the Service

6.1. The Food and Health and Safety functions sit within the wider Housing and Environmental Enforcement work area. The main functions of the work area are as follows:

- Inspection of registered food premises
- Investigation of food poisoning and infectious disease notifications
- Investigation of food related complaints
- Responding to national and local food alerts
- Inspection of businesses to in relation to health and safety compliance
- Investigation of statutory reportable incidents
- Provision of advice and guidance in relation to the matters above
- Maintenance of a register of cooling towers and food premises

6.2. A number of functions within the food safety work area come with an associated fee. These fees are reviewed annually and detailed on the Councils website.

7. Profile

7.1. The current profile of food premises is as follows:

Category	Primary Producers	Manufacturers and Packers	Importers/Exporters	Distributors /Transporters	Retailers	Restaurants and Caterers	Totals
A	0	0	0	0	1	5	6
B	0	7	0	0	1	22	30
C	1	14	0	1	11	140	167
D	1	1	0	1	27	203	233
E	10	8	0	36	99	326	479
Unrated	1	6	0	0	2	53	62
Totals	13	36	0	38	141	749	977

7.2. The total number of food premises is 977 and there are currently 6 approved premises which require 2 inspections per year.

7.3. The food hygiene rating system (FHRS) extends to businesses supplying food directly to consumers. The overall aim of the scheme is to reduce the incidence of food borne illness and the associated costs of this to the economy. The system helps to inform members of the public in regards to places they wish to eat or purchase food from. This in turn helps to raise food hygiene standards. The rating of premises across the District as of March 2019 is shown below;

FHRS Rating	Description	Number	%
5	Very Good	440	71.4
4	Good	96	16.1
3	Generally Satisfactory	57	9.2
2	Improvement Necessary	1	0.2
1	Major Improvement Necessary	18	3.1
0	Urgent Improvement Necessary		0

** Please note. These figures come from the Food Standards Agency website and includes premises that may have been rated but that may no longer require rating.

7.4. The above food premises are inspected in line with the following timescales;

- A : 6 months
- B : 12 months
- C : 18 months
- D : 24 months
- E : 36 months

8. Service Demand

8.1. The table below shows the demand placed on the service over the last 4 years and the estimated demand for 19/20.

	2015/6	2016/7	2017/8	2018/19	19/20 est.
Total Routine Planned Food Hygiene Inspections (A to D)	352	390	394	358	372
Completed Food Hygiene Inspections	286 (81.25%)	315 (80.77%)	307 (78%)	248 (67%)	n/a
Food Inspection Visits (inc. abortive)	307	325	336	268	n/a
Food Inspection Revisits (additional)	57	71	54	47	60
Request for Revisit, FHRS	17	20	30	20	20
Food / H&S Complaints and Service Requests	293	391	409	334	350
Service Requests Requiring a Premises Visit (additional)	54	80	56	35	50
Accident Investigation	19	7	3	6	n/a
RIDDOR Reports	80	66	71	42	n/a
Infectious Disease Reports	122	121	134	74	n/a

8.2. There is a level of uncaptured demand that relates to general advice and queries that arise as part of the day to day work relating to food and health and safety. The offering of advice provides additional value to businesses in the district and help to ensure that strong relationships are in place.

8.3. There is a specific charging schedule in place for various aspects of food safety work such as food hygiene revisits and advice and guidance provided to new businesses.

9. Planned Inspection Programme

9.1. An inspection programme is established and maintained for all food premises within the District. Inspections are undertaken in accordance with the Food Safety Act 1990, Code of Practice. The frequency of inspection is determined by the risk that is presented. The Council has no formal Home/Lead Authority Agreement with any business operating in the district.

9.2. In 2019/20 the service aims to:

- Inspect 90 to 95% of premises in line with the FSAs inspection schedule
- Increase the level of sampling that it undertakes
- Maintain a level of 97% of premises rating 3* or above
- Carry out proactive and targeted inspections of high risk late night food premises
- Enhance the level of resource available for Health and Safety investigations

9.3. The Food Law Code of Practice Guidance (April 2015) provides opportunity for a range of interventions in relation to food premises. The approach that the Council takes regarding these interventions is linked to its corporate enforcement policy, which officers have regard for when making any decision.

9.4. The planned programme of intervention is shown in the table below:

Category	Inspection Frequency	No of Premises
A	6 months	6
B	12 months	30
C	18 months	127
D	24 months	150
E	36 months	139
UNRATED		59

9.5. Food sampling is an important aspect of food safety enforcement, providing information about the microbiological safety of food available within the district. Sampling will be undertaken in accordance with the relevant guidance and may be taken during a routine inspection, in response to a complaint or as part of a national sampling programme.

9.6. The Council ensures that a risk based approach to inspections occurs in regards to its health and safety obligations. This is in accordance with the relevant guidance. Programmed work focuses on reports that are received from members of the public or reports that are received via the Health and Safety Executive.

9.7. The Council is required to undertake accident investigations relating to fatalities and life changing injuries as a result of poor health and safety practice. We also investigate cases of occupational ill health and dangerous occurrences as defined by the Reporting of Incidences, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

9.8. The Council works in partnership with Public Health England to identify, control and prevent the spread of infectious diseases. When notified of infectious diseases

10. Resources

10.1. There are currently three officers who undertake food related work within the Council, this equates to 2.0 FTEs. It has recently been agreed that an additional Environmental Health Officer will be appointed, taking the capacity to 2.6 FTEs.

10.2. There are currently two officers who can undertake health and safety investigations and a programme is in place to increase the competencies of other staff to enable them to undertake this.

10.3. There is sufficient support officer resource in place to assist with the administrative functions relating to food and health and safety. These resources are shared across the broader work areas.

10.4. All relevant officers are delegated and authorised to carry out their functions. The level of authorisation is determined by their specific role, responsibility and competency level. Specific competency assessments for individual officers are in place relating to the work areas.

11. Liaison with Other Organisations

11.1. Alongside working within the Council, officers liaise with a number of other local authorities, agencies and organisations to ensure that consistency is maintained, develop best practice and to share learning. The groups engaged with as are as follows:

- Lincolnshire Environmental Health Managers Group
- Lincolnshire Food and Health and Safety Group
- Food Standards Agency (East Midlands, Yorkshire and Humber Region)
- Health and Safety Executive
- Public Health England
- Lincolnshire County Council
- Lincolnshire Police
- Drinking Water Inspectorate
- Anglian Water



Regulatory Committee

Thursday, 6 June 2019

Subject: Gainsborough Town Council - Public Space Protection Orders (PSPO)

Report by:	Executive Director of Operations
Contact Officer:	Andy Gray Housing and Enforcement Manager andy.gray@west-lindsey.gov.uk
Purpose / Summary:	To provide elected members with information relating to proposals for Public Space Protection Orders on land owned by Gainsborough Town Council

RECOMMENDATION(S):

Elected Members are asked to approve that:

- a) The Council consults upon a PSPO to cover the general cemetery and North Warren Cemetery within the next 3 months;**
- b) Officers liaise with Gainsborough Town Council and the Police to review the evidence relating to the other sites proposed in order to determine whether any further PSPOs should be consulted upon. This should include liaison on any resource implications.**

IMPLICATIONS

Legal:

These Orders can be made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A minimum 30 day consultation period is required by Legislation.

Power to make a PSPO is with the Terms of Reference of the Regulatory Committee. In relation to PSPOs the committee must first approve that consultation can take place, then once the consultation is completed the committee will receive an additional report which will determine whether an order is made or not.

Breach of a PSPO may be dealt with by a fixed penalty notice or prosecution. Delegated powers are in place for service of fixed penalty notices to the relevant officers.

Appeals against the making of a PSPO can be made in the High Court within 5 weeks of the PSPO being made, on the grounds that the process has not been followed, or that the council did not have the authority to make the Order or put certain restrictions in the Order.

Financial : FIN/31/20

There is a small financial implication in relation to any consultation that is required. These costs will be minimal as the consultation will be carried out online mainly.

There will also be an additional cost (approx. £1k) for any related signage and public notifications, which can be met from the £5k Equipment revenue budget in Community Safety (CS02/3003) subject to the number of PSPOs that are required.

Fixed penalty notices for breach of a PSPO are set at £100 with a £75 early payment incentive if paid within 10 days of issue.

Staffing :

The existing enforcement officer role is a 2 year fixed term contract, due to end in June 2020. A paper is being developed to seek an extension for this role and alongside this it is suggested that Gainsborough Town Council make a contribution to this post in order to assist with the enforcement of the PSPOs on their land.

Equality and Diversity including Human Rights :

The approach to issuing fixed penalty notices in relation to PSPOs is covered within the relevant regulations. The Councils corporate enforcement policy sets out the general approach to enforcement.

Data Protection Implications :

None noted

Climate Related Risks and Opportunities :**Section 17 Crime and Disorder Considerations :****Health Implications:****Title and Location of any Background Papers used in the preparation of this report:****Risk Assessment :****Call in and Urgency:****Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes☐**No**☐**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes☐**No**☐

1. Introduction

- 1.1. PSPOs can be made on any land open to the air that the public have a right or entitlement of access to. This means that the legislation can apply to land belonging to local authorities, as well as, for example, Church grounds and land belonging to a resident owned management company.
- 1.2. To make an Order, the local authority needs to be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are likely to have a detrimental effect on the quality of life of those in the locality
 - Is, or is likely to be persistent or continuing in nature
 - Is, or is likely to be unreasonable
 - Justifies the restrictions imposed
- 1.3. A PSPO can require something to happen e.g. requirement to keep dogs on a lead, or ban something from happening e.g. banning drinking alcohol in a public space.
- 1.4. A PSPO lasts for three years, after which it can be removed or extended. A PSPO can be removed or varied within the three year period if no longer needed. Breach of a PSPO is a criminal offence, punishable by a fixed penalty notice or prosecution.
- 1.5. PSPOs, while a versatile and effective tool, have attracted some negativity nationally due to how they have been applied in some authority areas. It is therefore important to consider what activities the PSPO is aimed at stopping, whether those activities are deemed unreasonable, and whether the requirement or prohibition under the proposed PSPO is justifiable and enforceable.
- 1.6. The legislation requires that a minimum 30 days consultation is carried out prior to a decision being made to make a PSPO or not.

2. Background

- 2.1. Gainsborough Town Council (GTC) have presented information to the Council and requested that the introduction of PSPOs be considered across 13 sites which are in their ownership. In 2017 these sites were previously considered within a consultation process and the lack of response to the consultation resulted in the Council not progressing PSPO designations on GTC land. There were 12 responses to the initial consultation.
- 2.2. Information relating to the proposals is shown in the following appendices:

Appendix 1: Scope of Proposed Sites

- This appendix lists out the proposed sites and the restrictions that would be in place on them. Dog fouling is not included as a restriction as there is already a district wide PSPO in place for this.

Appendix 2: Evidence of need presented by GTC

- This includes the evidence submitted by GTC in relation to the sites

Appendix 3: Locations of Proposed Sites

- This includes details of the proposed sites in map for along with the restrictions proposed

2.3. The Council has proactively worked with GTC to seek to address the current issues relating to the general cemetery. These issues relating to dogs being walked within the cemetery grounds and causing damage to burial areas have been highlighted in the local media and also have resulted in communication from the local ward members and local MP.

3. Considerations

3.1. The Council must consider, in line with section 1.2 that it has sufficient grounds and evidence to put a PSPO in place. It should also consider enforcement, expectation of the public and resource implications in any decision that it makes.

3.2. Evidence from GTC has been provided in appendix 2. Additional evidence produce by the Council is shown in section 4.

3.3. Any enforcement of a PSPO should be done so in line with the Authority's Corporate Enforcement Policy. The current approach to enforcing PSPOs is in line with the level of issues that are currently being experienced within the designated area. For example, in relation to dog fouling the Council respond to complaints from the public to deal with hotspot areas, we do not generally patrol for this issue. If there is a specific ongoing issue, which can be dealt with by a fixed penalty, such as early presentation of waste, regular patrols are in place to tackle this. The response provided is proportionate to the issue which is being experienced.

3.4. Expectations from the public can be understood within the public consultation process. This process will enable general comments to be submitted and will also ask explicit questions as to whether a specific order should be put in place.

3.5. There are limited resources available in regards to the enforcement of PSPOs and the designation of an additional 13 sites would present a challenge in regards to this. Initial discussions with GTC have taken place in regards to how the PSPOs could be enforced, however these have not been finalised as yet.

3.6. In specific relation to cemeteries, the restrictions currently proposed are that dogs are excluded, however it is proposed that any consultation will suggest that dogs should be kept on a lead and under control. This will ensure that any persons who visits the cemetery and may wish to have a dog present can do so without fear of penalty.

4. Additional Evidence

4.1. The Council has no evidence of any issues that relate to the sites with the exception of the general cemetery.

4.2. Information has been requested from the Police but it has not been able to be provided prior to the report being distributed. If the information becomes available prior to the Committee meeting it will be tabled on the evening.

Appendix 1 – Scope of Proposed Sites

Site Name/Description	Address	Postcode	B1 Dog Fouling	B2 Dogs on lead	B3 No dogs	B4 No alcohol	B5 No Quadbikes, motorbikes, unauthorised vehicles
Aisby Walk Playing Fields/Play Areas	off Middlefield Lane, Gainsborough, Lincolnshire	DN21 1UL	Yes	Yes	No	Yes	Yes
Danes Road Play Park	Danes, Road, Gainsborough, Lincolnshire	DN21 1RX	Yes	N/A	Yes	Yes	Yes
General Cemetery	Coxs Hill Gainsborough Lincolnshire	DN21 1HH	Yes	No	Yes	Yes	Yes
Hickman Bacon Memorial Park (commonly known as Levellings)	Love Lane, Gainsborough, Lincolnshire	DN21 2SG	Yes	Yes	Yes (in certain areas)	Yes	Yes
Marshalls Sports Ground	Middlefield Lane, Gainsborough, Lincolnshire	DN21 1XR	Yes	Yes	No	Yes	Yes
Mayflower Close Play Park	Mayflower Close, Gainsborough, Lincolnshire	DN21 1AX	Yes	N/A	Yes	Yes	Yes
North Warren Cemetery	Ropery Road, Gainsborough, Lincolnshire	DN21 2NT	Yes	No	Yes	Yes	Yes
Richmond Park Gardens and Play Park	Richmond House, Richmond Park, Morton Terrace, Gainsborough, Lincolnshire	DN21 2RJ	Yes	Yes	Yes (in certain areas)	Yes	Yes
Roses Sports Ground	North Warren Road, Gainsborough, Lincolnshire	DN21 2TU	Yes	Yes	No	Yes	Yes
Sandsfield Lane North Play Park	behind Enderby Crescent, Gainsborough, Lincolnshire	DN21 1DA	Yes	Yes	No	Yes	Yes
Sandsfield Lane South former Play Park Site	Scouts Hill, Gainsborough, Lincolnshire	DN21 1XQ	Yes	Yes	No	Yes	Yes
South Parade former Play Park Site	South Parade, Gainsborough, Lincolnshire	DN21 1UQ	Yes	Yes	No	Yes	Yes
St Georges Play Park	Lindsey Close, Gainsborough, Lincolnshire	DN21 1YN	Yes	N/A	Yes	Yes	Yes

Appendix 2 – Evidence of Need presented by GTC

Since December 2018 the Council have received 122 complaints regards dogs off leads and dog fouling within the general cemetery, there is also an online petition supporting measures to control dogs in this area at the time of drafting this is at 403 signatures. https://www.change.org/p/gainsborough-town-council-dogs-in-cemetery?recruiter=false&utm_source=share_petition&utm_medium=facebook&utm_campaign=psf_combo_share_initial&utm_term=psf_combo_share_initial&recruited_by_id=4001d260-7c06-11e9-9e6e-27a25fe9e91a&utm_content=fht-14295198-en-gb%3Av5&sfns=mo

A further hard copy petition with 631 signatures was presented to Council on 21 May.

Council have received numerous complaints both historically and more recently regards dogs off leads and dog fouling on the green spaces and sports grounds. The Council's own grounds maintenance team are grass cutting weekly at Roses, Marshalls and Hickman Bacon and each week report a significant amount of dog faeces on the grass areas.

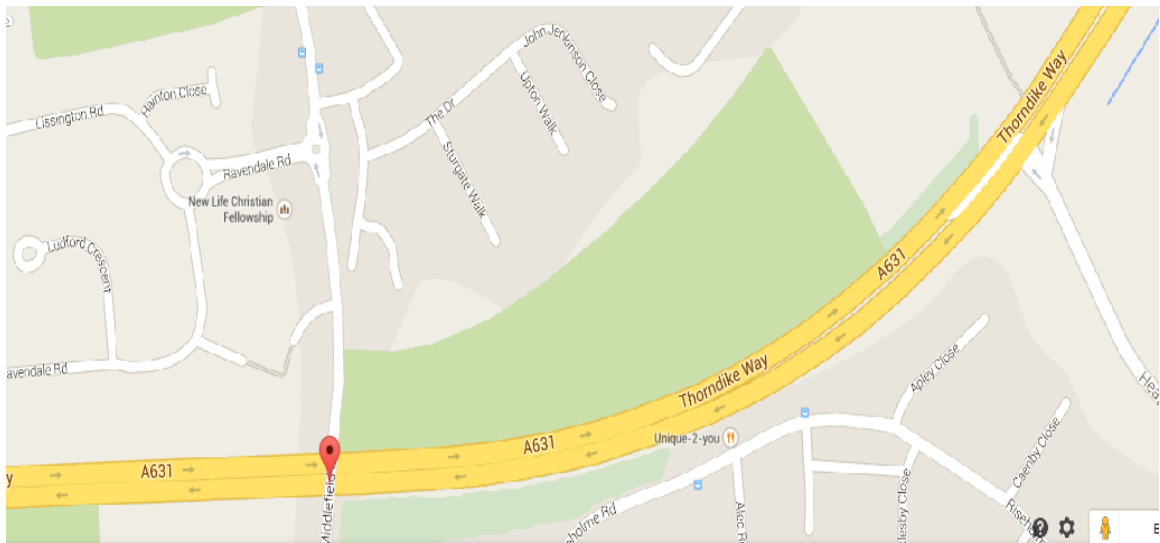
Several of the park spaces are subject to significant anti-social behaviour and vandalism – evidence of alcohol use on the sites is apparent with cans and bottles littering areas on the sites. There is a noise nuisance caused to neighbouring properties from those gathering and drinking alcohol particularly through the summer months on Richmond Park.

Hickman Bacon Memorial Park is subject to motor cycles and quad bikes being driven across it.

As part of the activity undertaken by the Town Council to address the nuisance behaviour highlighted in the general cemetery there has been temporary fencing erected and support from WLDC in relation to enforcement resource along with a significant amount of local awareness raising, social media reporting and press coverage. This has been ongoing since the start of the year but has not stopped the anti-social behaviour.

Appendix 3 – Site Locations

AISBY WALK



B1 – Dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads

B3 – Exclude dogs (not selected)

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

DANES ROAD



B1 – Dog fouling (already in place)

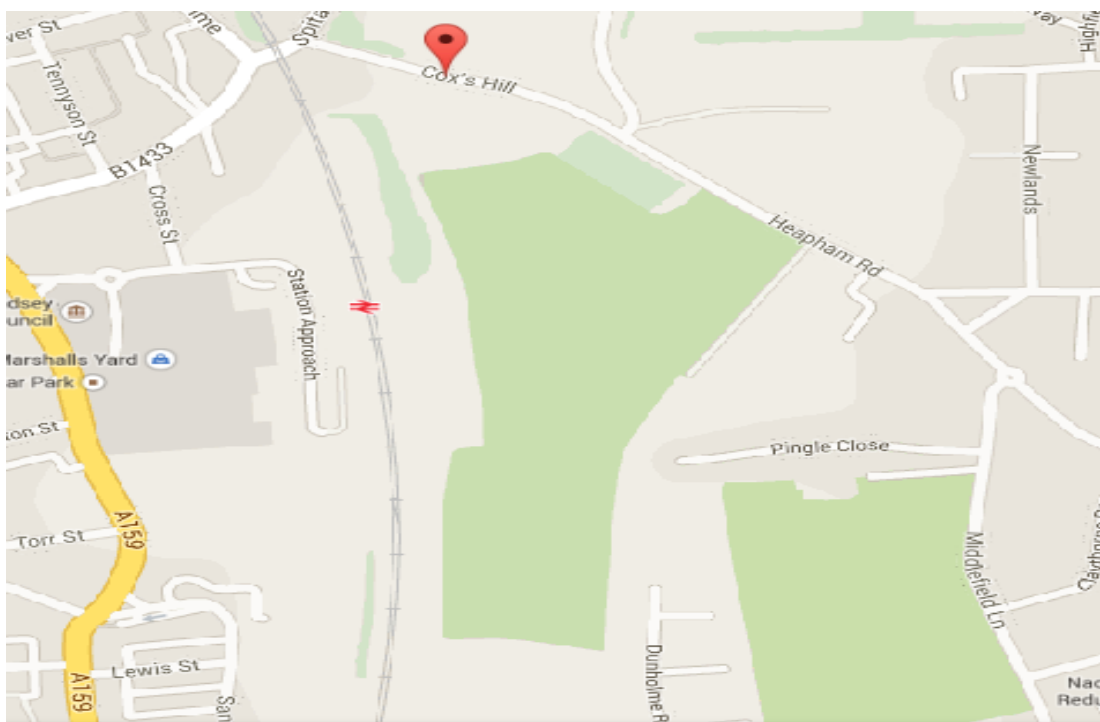
B2 – Requirement for dogs to be kept on a lead (not selected)

B3 – Exclusion of dogs from area

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

GENERAL CEMETERY



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads (not selected)

B3 – Exclusion of dogs from area

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

HICKMAN BACON MEMORIAL PARK



B3 – Exclusion of dogs from area within blue edged enclosed play areas.



B1 – Requirement to pick up dog fouling (already in place)

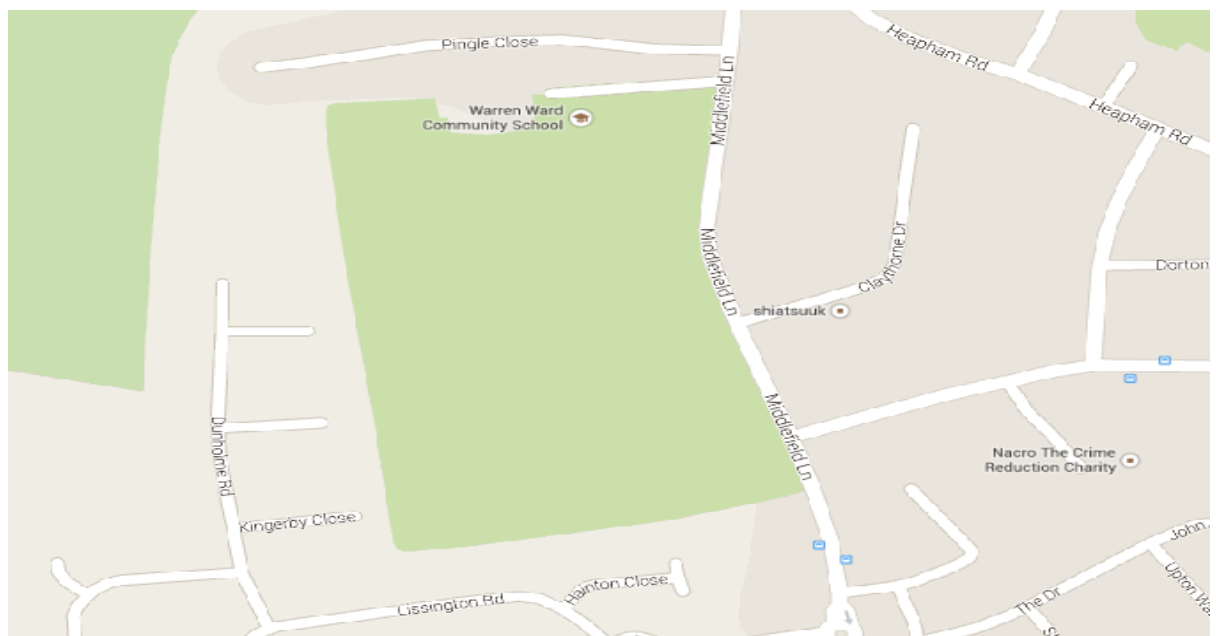
B2 – Requirement for dogs to be kept on leads

B3 – Exclusion of dogs from children's play areas indicated in blue

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

MARSHALLS' SPORTS GROUND



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads

B3 – Exclusion of dogs from area (not selected)

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles
MAYFLOWER CLOSE



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads (not selected)

B3 – Exclusion of dogs from area

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

NORTH WARREN CEMETERY



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads (not selected)

B3 – Exclusion of dogs from area

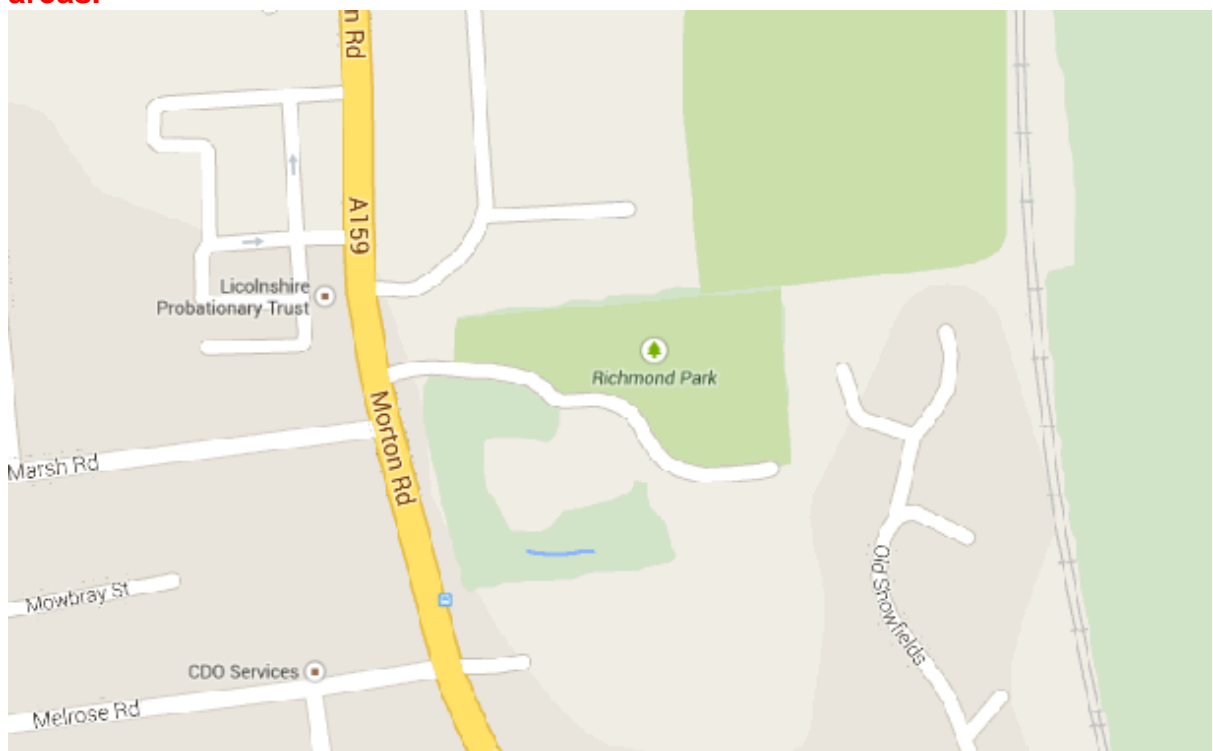
B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

RICHMOND PARK GARDENS AND PLAY PARK



B3 – Exclusion of dogs from area within blue edged enclosed play areas.



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads

B3 – Exclusion of dogs from children's play areas indicated in blue

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

ROSES' SPORTS GROUND



B1 – Requirement to pick up dog fouling (already in place)

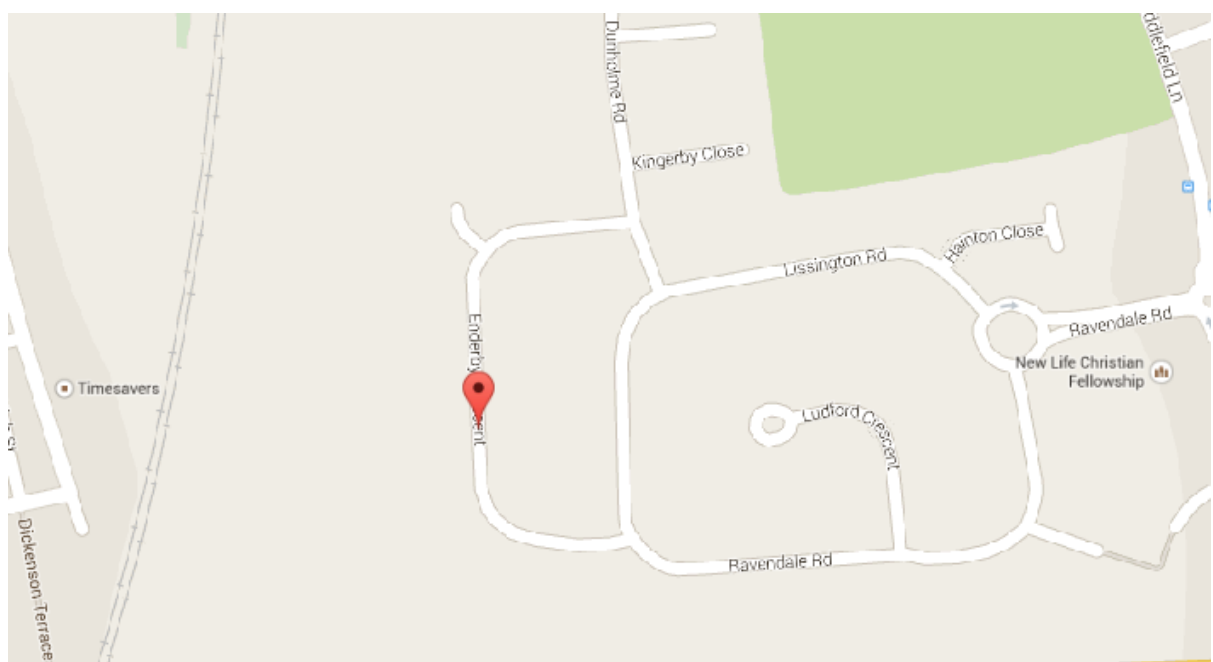
B2 – Requirement for dogs to be kept on leads

B3 – Exclusion of dogs (not selected)

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

SANDSFIELD LANE NORTH



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads

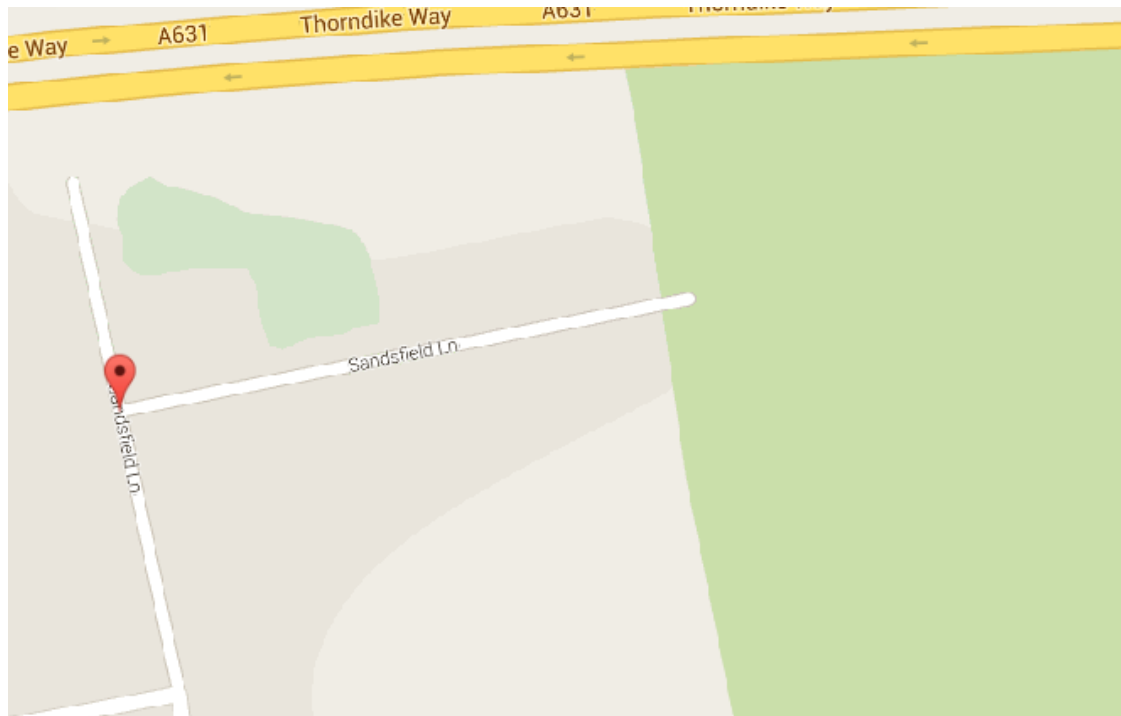
B3 – Exclusion of dogs (not selected)

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

SANDSFIELD LANE SOUTH





B1 – Requirement to pick up dog fouling (already in place)

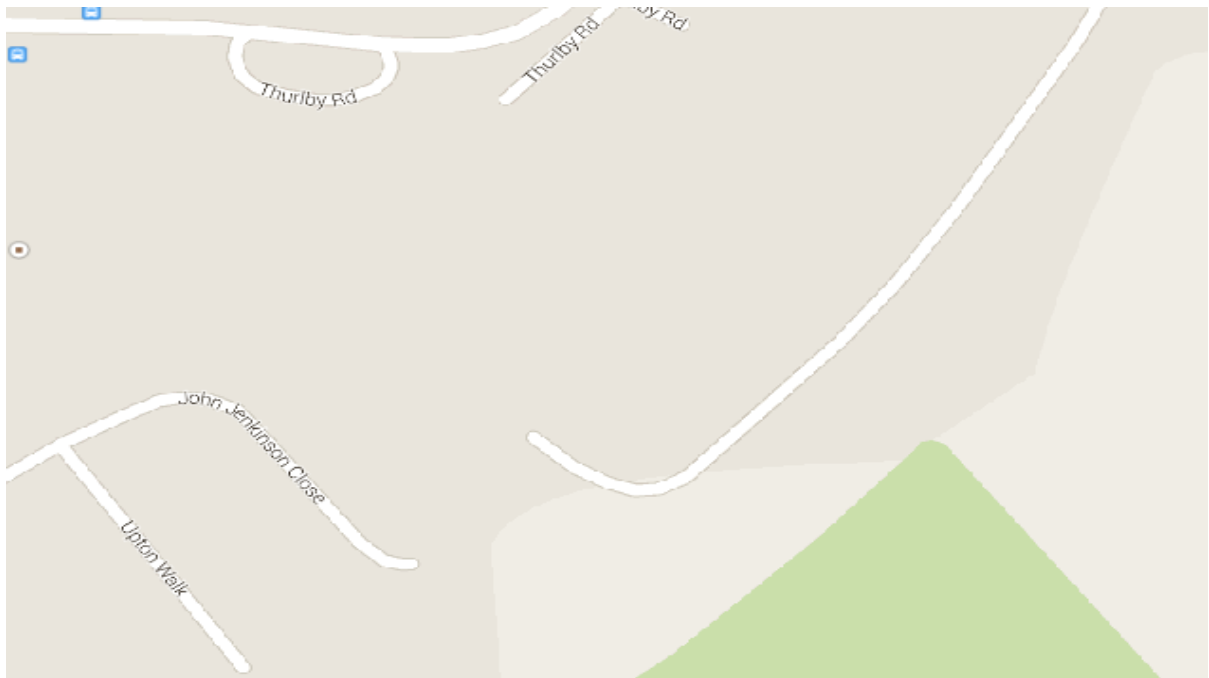
B2 – Requirement for dogs to be kept on leads

B3 – Exclusion of dogs (not selected)

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

SOUTH PARADE



B1 – Requirement to pick up dog fouling (already in place)

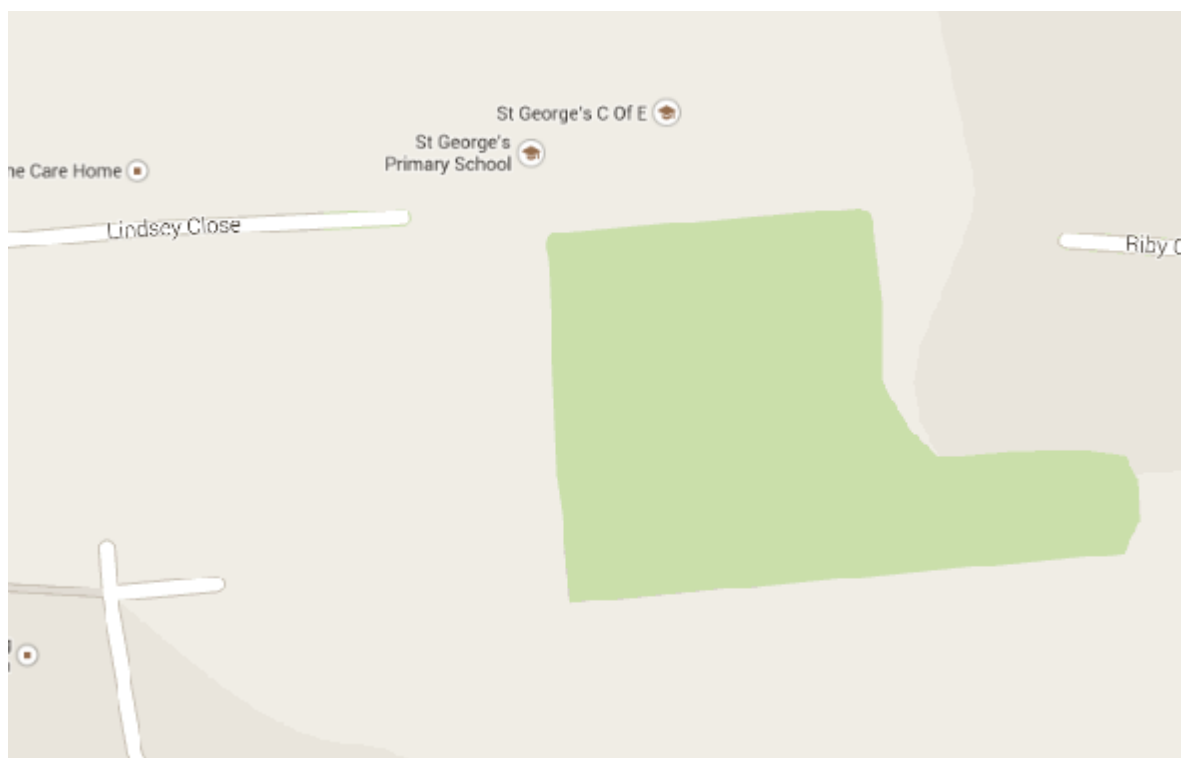
B2 – Requirement for dogs to be kept on leads

B3 – Exclusion of dogs (not selected)

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

ST GEORGES



B1 – Requirement to pick up dog fouling

B2 – Requirement for dogs to be kept on leads (not selected)

B3 – Exclusion of dogs from area

B4 – Restricted consumption of alcohol

B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles