

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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**AGENDA**

This virtual meeting will be webcasted live and recorded. The video archive will be published on our website

**Regulatory Committee**

Thursday, 4th June, 2020 at the rising of Licensing Committee  
Virtual Meeting - Microsoft Teams

The meeting will be available live via the following link:

<https://west-lindsey.public-i.tv/core/portal/home>

**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
- Councillor Lewis Strange
- Councillor Jeff Summers

1. **Register of Attendance**
2. **Public Participation**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **Minutes of Previous meeting** (PAGES 3 - 6)  
Held on 12 March 2020.
4. **Declarations of Interest**  
Members may make declarations of Interest at this point or may make them at any point in the meeting
5. **Matters Arising** (PAGE 7)
6. **Public Reports for approval**

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

- i) District Dog Fouling Public Space Protection Order (PAGES 8 - 21)
- ii) Extension of Public Spaces Protection Order (PSPO) (PAGES 22 - 28)  
Trinity Arts Centre
- iii) Food and Health and Safety Work Plan 2020/2021 (PAGES 29 - 45)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

27 May 2020

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 12 March 2020 commencing at 6.30 pm.

**Present:** 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

**In Attendance:**  
Andy Gray Housing and Enforcement Manager  
James Welbourn Democratic and Civic Officer

**Apologies:** Councillor Jim Snee  
Councillor Lewis Strange

### 15 PUBLIC PARTICIPATION

There was no public participation.

### 16 DECLARATIONS OF INTEREST

Councillor David Cotton declared a personal, non-pecuniary interest in item 18; he was the Chairman of Saxilby Parish Council, who employ a dog warden. This did not preclude him from speaking, or voting on that item.

### 17 MINUTES OF PREVIOUS MEETINGS

The minutes of the previous meeting held on 10 December 2019 were agreed as a correct record and signed by the Chairman.

### 18 CONSULTATION ON EXTENSION OF DISTRICT WIDE DOG FOULING PUBLIC SPACE PROTECTION ORDER

Members considered a consultation on an extension of a district wide dog fouling public space protection order (PSPO).

The Housing and Enforcement Manager made it clear to Members that they were actually considering recommending a consultation on extending and varying the PSPO; variation hadn't been mentioned in the title of the report.

The following sections of the report were highlighted:

- The original dog fouling PSPO was agreed back in 2017. This designated the whole district as an area where the Authority had the power to issue penalties for dog fouling, as well as powers to enforce when individuals refuse to clean up after their dogs when ordered to do so by an officer;
- A separate motion on dog fouling was presented to Full Council in March, but this concentrated on the overall approach to dog fouling; this report to Regulatory Committee was looking at the specific PSPO powers;
- The approach to PSPOs was targeted, rather than, for example, following dog owners. Parish Councils would be asked to advise which parts of their parish have particular issues;
- It was difficult to catch people; previously targeted patrols have been used to tackle this;
- There have been a large number of reports about dog fouling that had already occurred. This showed that dog fouling was still an issue; officers also felt that this topic would not reduce down to a point where the PSPO was no longer required;
- The variation to the PSPO looked at an additional power focussing on asking people to carry a dog bag to demonstrate that they were able to pick up after their dog if it did foul; if they cannot, this would be an offence. This approach may be more prevalent in areas of high dog fouling;
- The approach from the Authority was not one of targeting all dog owners. Realistically, the risk in the more rural parts of the district was minimal, but in the more urban areas, and those areas with play parks dog fouling was a real problem;
- Conditions would be:
  - It would be an offence if the owner were not to pick up the dog foul;
  - It would be an offence not to dispose of the foul;
  - It would be an offence if the owner cannot demonstrate they have the means to pick up dog fouling.
- The consultation was required to be 4 weeks long, however Council best practice dictated that this would in fact be a 6 week consultation. This would mainly be an online consultation; parish councils would be contacted, as well as dog related groups and public interest groups that were known to the Authority. District Councillors would also be included;
- The existing order would end on 3 June, with the next scheduled meeting of Regulatory Committee on 4 June.

Members then provided comment on the report, and asked questions of the Housing and

Enforcement Manager. Further information was provided:

- Carrying one bag would not be seen as being a responsible dog owner;
- The power to ask dog owners provided reassurance in the opinion of officers. In town centres, under this provision ask questions of dog owners that were suspected of not carrying a waste bag;
- There were certain exemptions within the district. There was certain legislation applicable to grass verges; some of them could be enforced, whereas others couldn't. The test would be the speed limit of the road where the verges were located; under 40 miles per hour (mph) could be enforced whereas other roads with a higher speed limit couldn't. This was the case because of public safety;
- Private land was somewhat of a grey area; there was no Authority jurisdiction over private woods for example, unless the woods had a public access point;
- Dog fouling was an annoyance rather than a high enforcement risk in the opinion of officers;
- The Authority was keen to work with Parish Councils, particularly as some of them had their own Dog Wardens. West Lindsey District Council (WLDC) did not have the resources to patrol the whole district;
- As dog fouling had been highlighted at Full Council, and was a big issue within parishes, it was expected that there would be a spike in reporting;
- Previous discussions had been held with Gainsborough Town Council; these discussions would not impact directly on this PSPO. If something more specific was needed for Gainsborough, then further conversations would be held;
- The general view on portable cameras and CCTV to tackle dog fouling was that it wasn't a proportionate use of technology. Dog fouling was certainly an annoyance, but the offence resulted in a fine of £75-100.

If repeat offenders were caught on CCTV as a result of other investigations, then enforcement could happen. However, it was important to note that CCTV would not be used specifically for this purpose;

- The proposal was to provide an e-version of the PSPO sign to the parishes. WLDC would put physical signs in the 'hotspot' areas;
- Access was not being restricted as part of this report, nor are owners being told to keep their dogs on leads. Certain areas, such as Gainsborough Cemetery are subject to separate designations on that issue.
- Some areas have district wide PSPOs that look at access across all areas and restrictions around dogs on leads. It was felt that this issue wasn't really present in West Lindsey.

The Housing and Enforcement Manager appealed to Members to send in further suggestions for 'frequently asked questions' to him as they could form part of the consultation.

The recommendations were moved and seconded, and it was:

**RESOLVED** to:

- (1) Agree to consult upon the proposals to extend and vary the existing Dog Fouling Public Space Protection Order (PSPO);
- (2) Approve the suggested consultation plan and timeline.

The meeting concluded at 7.14 pm.

Chairman

## Regulatory Committee Matters Arising Schedule

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**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.

Meeting                      Licensing and Regulatory Committee

Status	Title	Action Required	Comments	Due Date	Allocated To
Green	<b>Dog waste bags</b>	Councillor Paul Howitt-Cowan asked whether it would be possible to run past the legal team how many dog bags would need to be carried by a responsible dog owner?		04/06/20	Andy Gray
Green	<b>Microchipping</b>	Andy agreed to find out which authority was responsible for dealing with dog microchipping.		04/06/20	Andy Gray
Green	<b>PSPO Monitoring Report</b>	Andy to bring back PSPO monitoring report in December to Regulatory Committee.		10/12/20	Andy Gray

# Agenda Item 6a



Regulatory Committee

4<sup>th</sup> June 2020

**Subject: District Wide Dog Fouling Public Space Protection Order (PSPO)**

Report by:

Chief Executive

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To provide the results of the consultation in relation to the District Wide Dog Fouling PSPO and recommend that it is varied and also extended for a further three years.

## **RECOMMENDATION(S):**

**Elected Members are asked to:**

- a) Note the results of the consultation in relation to the proposed extension and variation of the PSPO**
- b) Approve that the Dog Fouling PSPO, be extended for a three year period from 5<sup>th</sup> June 2020**
- c) Approve that the Dog Fouling PSPO be varied to include a requirement to produce a device or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated).**

## IMPLICATIONS

### **Legal:**

PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A minimum 30 day consultation period is required by Legislation. The Council intends to consult for its minimum 6 week period.

The Council can vary, extend or discharge a PSPO in line with section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014.

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.

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/14/21/A/SSc**

No financial implications arising from this report.

Fixed penalty notices (FPN's) for breach of a PSPO are set at £100 with a £75 early payment incentive within fees and charges. Income from fixed penalty notices may be used to support the service issuing the FPN.

### **Staffing :**

The Council already has provision in place to monitor and enforce the PSPOs in place and it is not proposed that any subsequent approval will affect this as it is an extension of an existing order.

### **Equality and Diversity including Human Rights :**

The proposed extension of this PSPO will not disadvantage any social groups over another, and the process will be applied fairly. The Council's approach to fixed penalties is outlined in its Corporate Enforcement Policy.

### **Data Protection Implications :**

### **Climate Related Risks and Opportunities :**

### **Section 17 Crime and Disorder Considerations :**

**Health Implications:**

Dog fouling has a detrimental impact on health, with the main concern being Toxocariasis <https://www.nhs.uk/conditions/toxocariasis/prevention/>

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

Guidance on preparation of PSPOs : <https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils>

**Risk Assessment :**

Challenge in the High Court – the risk of this is reduced by following process and considering reasonableness throughout the process.

Orders relating to dogs can be controversial and may lead to negative publicity. To be mitigated at consultation stage with careful publicity, reasoned grounds for suggested Orders and multiple options for responding provided.

## **1 Introduction**

- 1.1 In June 2017 the Council designated its “Dog Fouling Public Space Protection Order”, which is in place until the 5<sup>th</sup> of June 2020. This PSPO focused on dog fouling and disposal and applied across the whole district.
- 1.2 The impact of dog fouling on both the natural environment and on public health is well known. It is essential for the Council to promote responsible dog ownership and to ensure that where this is not the case there is provision, in law, for addressing it.
- 1.3 This report proposes that the existing PSPO is extended for an additional three years and varied to include a requirement for dog owners to carry dog bags with them at all times.

## **2 Legal Position**

- 2.1 PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. Orders can be extended and varied under sections 60 and 61 of the Act.
- 2.2 These Orders can be made on any land open to the air that the public has a right or entitlement of access to
- 2.3 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

## **3 Consultation**

- 3.1 The legislation requires that a minimum 30 days’ consultation is carried out. The Council has consulted on this proposal for 6 weeks, between the 16<sup>th</sup> of March and the 27<sup>th</sup> of April 2020.
- 3.2 It should be noted that the consultation has taken place over the period of enforced lockdown by the Government in relation to Covid – 19. It has not been deemed necessary to extend the period of consultation due to this and it is felt that the number of responses received suggest that this has not had a negative impact on it.
- 3.3 Public notices have been produced for both the extension and the variation. These have been available to view in the Guildhall, Marshall’s Yard and on the Council website. These notices were also placed in the Lincolnshire Echo. The Council also promoted the consultation on social media and it was also picked up by the local press.

- 3.4 The Council has sought the views of the statutory consultees, and it has also sought the views of interest groups specific to this area, given that the PSPO relates to dogs. Their responses are included in the overall results.
- 3.5 A predetermined list of frequently asked questions (FAQs) was also made available on the Council's website.

#### **4 Consultation Results**

- 4.1 A full breakdown of the results is shown in Appendix 1. Appendix 2 contains a summary of the comments received along with a response where appropriate.
- 4.2 In summary;
- 746 responses were received. 733 of the respondents lived in West Lindsey. (only 132 responses were received in 2017)
  - 491 (66.3%) of respondents felt that uncleared dog mess was an issue in their locality
  - 717 (96.6%) respondents supported the extension of the PSPO requiring persons to remove dog fouling
  - 720 (97%) respondents supported the extension of the PSPO requiring persons to dispose of dog fouling immediately
  - 657 (88.8%) respondents supported the variation of the PSPO to include a requirement for dog owners to carry a device to remove dog faeces
- 4.3 Statutory consultees were also directly contacted in relation to the PSPO and invited to complete the survey that was available. Alongside this, in line with good practice, the relevant dog agencies and groups were contacted in the local area to specifically seek their views and to ensure that the consultation was as widely publicised as possible.

#### **5 Alternative Approaches**

- 5.1 Whilst it is recognised that the majority of dog owners will not act in a way which will result in a breach of the order, it is clear that there is still an issue with dog fouling within West Lindsey. Any alternative approach is felt to be more effective where it does include a formal enforcement measure.

#### **6 Proposed Order**

- 6.1 As a result of the consultation, it is proposed that Members approve the extension of the order for a further three year period.
- 6.2 It is also proposed that the order is varied to include a requirement to produce a device or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated).

- 6.3 To enable this, Members must be satisfied that the conditions within the Act are met as referred to in 2.3 above.
- 6.4 It is believed that the consultation, along with the information provided within the report to Regulatory Committee on Thursday 12<sup>th</sup> March 2020 demonstrate that the above conditions are met.
- 6.5 A copy of the proposed order including the extension and variation is shown in Appendix 3. The original order along with the extended and varied order will be made available on the Council's website.

## **7 Enforcement**

- 7.1 Officers will continue to patrol the district and respond to reports of dog fouling where they are made to seek to identify the perpetrators.
- 7.2 Signage will be placed in any hotspot areas as necessary. Signage will also be made available to Parish and Town Councils and community groups who may wish to be proactive within their area.

## Appendix 1 – District Wide Dog Fouling PSPO Consultation Results

746 responses received

1. Do you live, work or visit West Lindsey?

59 (7.9%) Visit

122 (16.4%) Work

733 (98.4%) Live

2. Is uncleared dog fouling an issue in your locality?

491 (66.3%) Yes

250 (33.7%) No

3. Do you support the extension of a PSPO which requires a member of the public when in control of a dog to remove dog fouling immediately where it occurs on any land which is open to the air, and to which the public have a right or entitlement of access to?

717(96.6%) Yes

25 (3.4%) No

4. Do you support the extension of a PSPO which requires a member of the public when in control of a dog to dispose of dog fouling in a general waste bin or dog waste bin?

720 (97.0%) Yes

22 (3.0%) No

5. Do you support a PSPO which requires a member of the public when in charge of a dog, if directed by an authorised officer, to produce a device or other suitable means (i.e. a dog poo bag) of removing dog faeces and transporting it to a bin (whether or not the dog has defecated)?

657 (88.8%) Yes

83 (11.2%) No

6. Any other comments you wish to make about the consultation?

383 comments received





## Appendix 2 - Comments and FAQs

### Questions

1. I wish that people would not hang poo bags from trees and bushes. What can be done about that? There doesn't appear to be any sense in doing so.

**If witnessed by an authorised officer this can be dealt with as a littering offence and the individual will be issued a fixed penalty notice accordingly. Additionally, if a member of the public witnesses this offence, knows who the individual is and is willing to supply a witness statement the penalty notice can also be issued.**

2. What can be done if a person refuses to show a bag etc? The officer would have no right of arrest and is likely to suffer abuse. Further it is a gross infringement of a person's liberty to badger them when they are doing nothing wrong. Talk about a police state!

**Failure to produce a device or other suitable means (i.e. a dog poo bag) of removing dog faeces would then result in a breach of the PSPO and a fixed penalty notice would then be issued.**

3. I would support a PSPO requiring to produce a poo bag however what happens if the person has just used their last one? How many should you carry? Common sense needs to be applied by an officer trying to enforce. This shouldn't be used as a way to keep all dogs on leads. Free running exercises is good for an animals wellbeing and ensures they are socialized at an early age.

**There is no set limit. You should carry enough to ensure that you can clean up after your dog. We believe that most responsible dog owners carry a supply of bags. Running out of bags or forgetting to pick one up will not be deemed as a reasonable excuse for failing to comply with the Order.**

4. Who will police this process and where would the funding come from to oversee this public order.

**WLDC's enforcement team will Police this process and forms part of the existing structure.**

5. All responsible dog owners comply with instructions about picking up and

disposing of their dogs waste. However, there are still owners in this area (Upton) who allow their dogs to foul pavements, footpaths and country lanes. It's all very well introducing PSPO's but how will it be monitored and enforced in a way which is an improvement on existing rules? I agree with the thinking behind this but doubt whether it can be properly enforced.

**West Lindsey District Council has a small team of enforcement officers who routinely patrol hotspots around the district, including early mornings, evenings and on weekends. All staff, members, residents and visitors are able to report issues for investigation. The team are all always ready to report and respond where necessary.**

**People report incidents to us regularly, so residents, businesses and visitors can also play a part in helping us tackle a problem where it is seen and reported.**

6. If the dog poos on a path or verge which people walk on however sometimes dogs will poo in the farmers field- should that be cleared up? More dog bins need to be readily available with spare bags so that there is no excuse ( sometimes you could put the wrong coat on) .

**Dog fouling occurring on any land which is open to the air, and to which the public have a right or entitlement of access to, whether paid or unpaid, within the District of West Lindsey, must be removed immediately by the person at that time in control of the dog. Additional waste bins can be requested via our Waste Service team.**

7. Although this is a step in the right direction how can the irresponsible owner who walks their dog after dark and does not clear up its mess be challenged? The open grassy space next to my property is used in this way.

**If this is a regular occurrence, report it to our enforcement team and we will arrange for a patrol of the area.**

8. If the 'policing ' of this policy will take funds away from current services then I may prefer to live with a bit of dog poo. Are there any alternatives to the dog poo bin that are more environmentally friendly?

**Not at this current time.**

9. I support the PSPO. However I have concerns of how it will be enforced. There are already measures in place re: enforcement for dog fouling (although the PSPO would strengthen this). I feel the issue is more about witnessing and catching offenders. It's difficult to enforce anything once the act has been done i.e. dog foul on the ground with no dog/owner etc. Would the PSPO help in this regard? Are more patrols planned?

**This is an extension of the existing Dog Fouling PSPO for the district – Enforcement can only take place if the offence has been witnessed by**

**an officer, no action can be taken where there is a stray animal. Patrols will continue in hotspots and areas where there are reported issues.**

10. Fouling locally appears to vary & I suspect is related to school holidays when youngsters are at home & given the task of walking the dog. There have been a number of attempts to highlight the poo problem in the village through social media, marking the offensive item & posters. Also the Brownies placed bags in a number of positions around the village so there was no excuse for people not to pick up. Q 4 Does this mean a general public waste bin or carry home? Q5 suggests that someone walking a dog could be asked to pick up another dog's mess which is not on. I do not have a dog but occasionally dog sit & always have poo bags in my pocket which I am willing to give to others if required.

**Reg Q.4 – This refers to the public general waste bin, but waste can also be taken home to be disposed of.**

**Reg Q.5 – To clarify this is for your own dog only.**

11. Please ensure authorised officers are patrolling regularly and not just between 9 & 5. Early and late dog walkers abound. An obvious and regular presence may help deter.

**Where reports are received that offences are being committed out of hours we will arrange for patrols to do done at those specific times**

12. Will this apply to all communities, with regard to an authorised officer or just the market towns?

**This order covers the whole district of West Lindsey.**

13. My only reservation is about the cost - How many enforcement officers are likely to be needed, and can the authority afford the cost?

**This work falls in line with the current structure and resources.**

14. Could keeping the dog on a lead and not allowing it to run free into peoples drives and defecate be included?

**This can be reported as a separate issue to our Anti-Social behaviour team.**

15. Its not just dogs that are the problem. Cats are just as bad worse in fact because there is little we can do about them.

**There are no specific laws aimed at cats fouling.**

16. Provision of more waste bins particulatly in rural walks. The "authorised officers" should not be on any bonus scheme or target scheme otherwise it will alienate the public.

**Additional waste bins can be requested from our Waste Service Team.**

17. Limiting the proposal to only roads under 40mph is not helpful. Roads just outside our village for example are national speed limit, but have no footways so pedestrians are obliged to step onto the verge when vehicles approach where many dog owners do not remove dog faeces currently. This is the case in many other villages and needs addressing.

**This restriction relates to the health and safety risks posed in dealing with this issue in these areas.**

## WEST LINDSEY DISTRICT COUNCIL

### Anti-Social Behaviour, Crime and Policing Act 2014, section 59 Public Space Protection Order

This order may be cited as the West Lindsey District Council – Dog Fouling Public Space Protection Order 2017. Brought into effect on 5<sup>th</sup> June 2017, extended and varied on 5<sup>th</sup> June 2020 for an additional 3 years.

West Lindsey District Council (“the Council”), being satisfied that the conditions set out in Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation this order, namely that failure to remove dog fouling, and incorrect disposal of dog foul bagged or otherwise, is an issue in West Lindsey frequently reported and seen across the District. Accordingly, this behaviour has had a detrimental effect on the quality of life of those in the locality, or it is likely that the behaviour will be carried out in the area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the behaviour is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice, and that it is in all circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59, 60, 61 and 72 of the Act and under all other enabling powers, hereby makes the following order:

1. Dog fouling occurring on any land which is open to the air, and to which the public have a right or entitlement of access to, whether paid or unpaid, within the District of West Lindsey (see map appended), must be removed immediately by the person at that time in control of the dog.
2. Dog fouling must be properly disposed of in a general waste bin or dog waste bin
3. A person in charge of a dog on land, if directed by an authorised officer, must produce a device or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated)
4. Exemptions to this order may be found in schedule 1

#### Schedule 1

1. The following land will not be subject to this Order:
  - a. Agricultural land
  - b. Roadside grass verges along roads with a speed limit above 40mph (verges with footpaths alongside roads will not be exempt regardless of speed limit)
  - c. Private property that the public have no right or entitlement of access to
2. Exemptions will be given to persons registered blind or partially sighted, or who have physical or mental disabilities which prevent them from being able to comply with the Order

#### Schedule 2

1. It is an offence for a person without reasonable excuse to fail to comply with this order.
2. In accordance with Section 67 of the act, a person found to be in breach of this order is liable on summary conviction to a maximum penalty of a level 3 fine or to a fixed penalty notice of £100.

For the purpose of this order:

1. A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
2. Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
3. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces

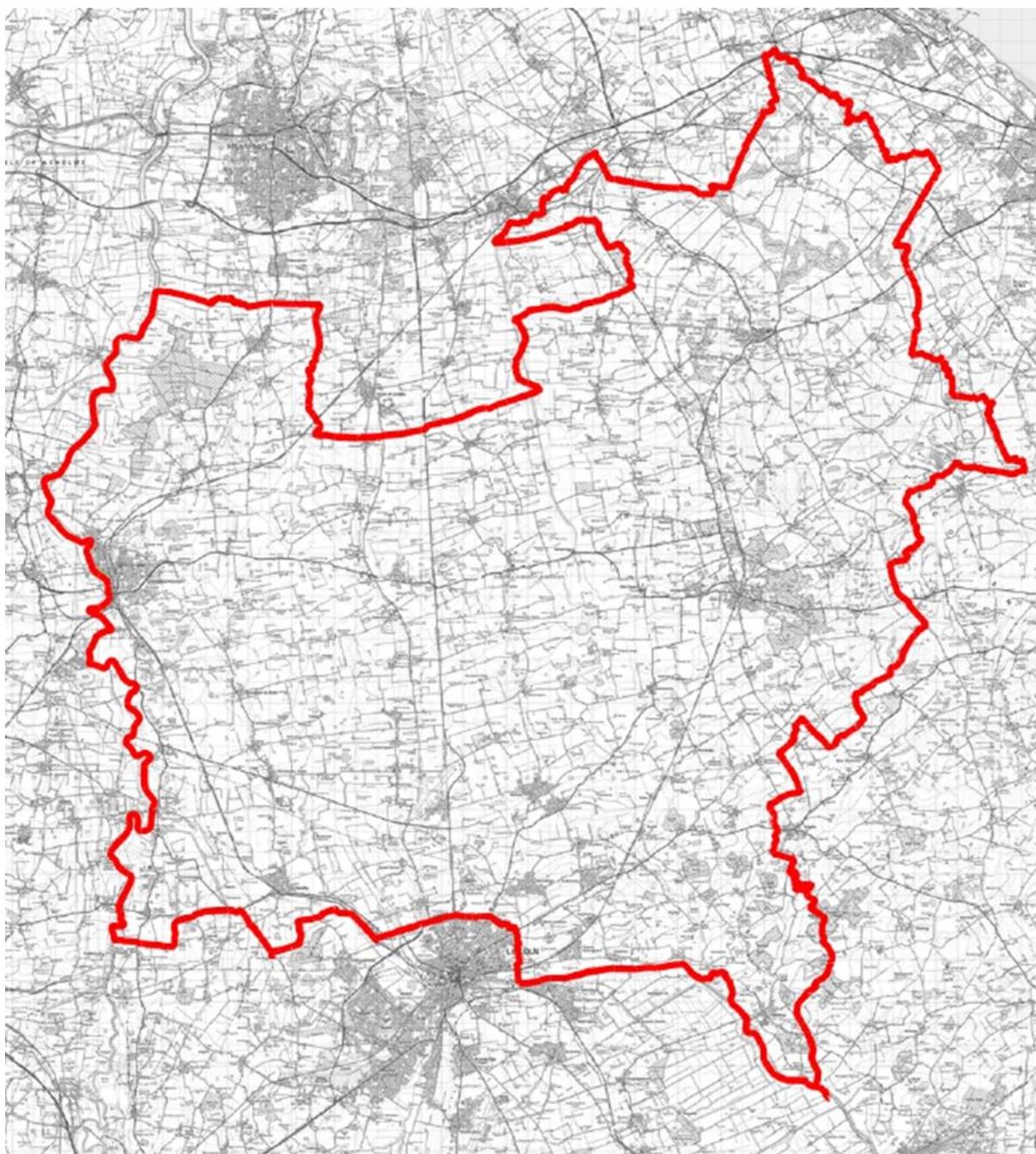
The original Order is extended and varied and comes into operation on the 5<sup>th</sup> June 2020 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Councils statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of West Lindsey District Council on the

The Common Seal of  
West Lindsey District Council  
was hereunto affixed  
in the presence of

Dog Fouling Public Space Protection Order – District Boundary Map



# Agenda Item 6b



**Regulatory Committee**

**4<sup>th</sup> June 2020**

**Subject: Review of Public Spaces Protection Order (PSPO) Trinity Arts Centre**

Report by:

Chief Executive

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To seek consent to discharge the Public Space Protection Order currently in place at Trinity Arts Centre, Gainsborough.

## **RECOMMENDATION(S):**

### **Elected Members are asked to:**

- a) Approve that the Council consults upon the discharge of the PSPO at Trinity Arts Centre;
- b) Subject to the results of the consultation, approve that the decision on discharging the PSPO be delegated to the Chief Executive in conjunction with the Chairman of the Regulatory Committee.

## IMPLICATIONS

### **Legal:**

PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A minimum 30 day consultation period is required by Legislation. The Council intends to consult for its minimum 6 week period.

The Council can vary, extend or discharge a PSPO in line with section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014.

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.

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/16/21/A/SSc**

No financial matter arising from this report.

### **Staffing :**

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

### **Equality and Diversity including Human Rights :**

The proposed extension of this PSPO will not disadvantage any social groups over another, and the process will be applied fairly. The Councils approach to fixed penalties is outlined in its Corporate Enforcement Policy.

### **Data Protection Implications :**

### **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 :**

## **1 Introduction**

- 1.1 The Council has had in place a Public Space Protection Order (PSPO) at the Trinity Arts Centre since 2017. This PSPO is due to end on the 24<sup>th</sup> July 2020.
- 1.2 The PSPO restricts the consumption of alcohol and prohibits dogs from being on the land covered within it. A copy of the order is shown in Appendix 1.
- 1.3 PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. Orders can be discharge, extended and varied under sections 60 and 61 of the Act.
- 1.4 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

## **2 Current Position**

- 2.1 In order to prepare this document the Council has considered the PSPO that is in place at the Trinity Arts Centre. The information below sets out the number of reports that have been received in relation to the PSPO during its current period of operation.
  - The Council has received no reports from the public in regards to braches of the PSPO.
  - Council Officers have provided advice to persons on the land on one occasion
  - The Police received three alcohol reports in 2017 and two in 2018
- 2.2 Officers have met with the Trinity Arts Centre Manager and discussed the effective of the PSPO. It is believed to be an effective deterrent and it is felt that its presence would continue to deter the type of activity it restricts.

## **3 Proposals for the Order**

- 3.1 The Council is able to vary, discharge or extend a PSPO that is in place. In order to do any of these the criteria set out in 1.4 and further detailed in the legislation need to be satisfied.
- 3.2 It is not felt at this stage that the criteria is satisfied in regards to extending the PSPO. The issue does not appear to be persistent and

continuing nor does it appear reasonable given the volume of complaints that have been received.

- 3.3 Therefore it is proposed that the most appropriate course of action is to discharge the order, meaning that it will no longer be in effect.

#### **4 Alternative Approach**

4.1 It appears from visiting the site that some small improvements may assist with the management of a potential discharge. These would include enhanced signage and lighting, along with a review of the CCTV provision.

4.2 All of the above can be achieved internally for a very small cost and officers can work with the Centre Manager to implement these changes.

#### **5 Consultation**

5.1 The Council will consult with the following in regards to the discharge of the order;

- Statutory Consultees
- District Councillors for the South West Ward
- Trinity Arts Centre Manager
- Neighbourhood Policing Team
- The general public for a 30 day period

5.2 A public notice will also be placed in the local press relating to the consultation and proposed discharge.

## **WEST LINDSEY DISTRICT COUNCIL**

### **Anti-Social Behaviour, Crime and Policing Act 2014, section 59 Public Space Protection Order**

This order may be cited as the West Lindsey District Council – Trinity Arts Centre Public Space Protection Order 2017.

West Lindsey District Council (“the Council”), being satisfied that the conditions set out in Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to this order, namely that numerous complaints have been made regarding groups drinking, urinating and littering within the grounds of the Trinity Arts Centre, Gainsborough, and the Pocket Park on Cleveland Street, and that dogs are being exercised on the land causing problems with fouling. Accordingly, these activities have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried out in the area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice, and that it is in all circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59, 64 and 72 of the Act and under all other enabling powers, hereby makes the following order:

1. The consumption of alcohol is prohibited within the boundary of the Trinity Arts Centre, Gainsborough, and the Pocket Park, Cleveland Street, Gainsborough. Any person found with an open container of alcohol within the stated boundary will be required to leave the area or hand over the container to an authorised officer when challenged. Failure to do so will constitute a breach of the PSPO.
2. Dogs are prohibited from the land within the boundary of the Trinity Arts Centre, Gainsborough, and the Pocket Park, Cleveland Street, Gainsborough.
3. This order applies only to outdoor space
4. Exemptions are listed at Schedule 1
5. A map of the area is contained at Schedule 3

#### **Schedule 1**

1. Registered guide and medical alert dogs will be exempt from condition 2 of this Order.

#### **Schedule 2**

1. It is an offence for a person without reasonable excuse to fail to comply with this order.
2. A person found to be in breach of this order is liable on summary conviction to a maximum penalty of a level 3 fine or to a fixed penalty notice of £75.
3. An authorised officer will be an officer of the District council, or any other suitably trained person, to whom the council has delegated powers under this legislation to demand the surrender of alcohol and to issue fixed penalty notices. Warranted police officers and PCSOs in Lincolnshire are also authorised officers under this legislation.

**Schedule 3 – area to be covered by the PSPO**



The Order shall come in to operation on 24<sup>th</sup> July 2017 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Councils statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of West Lindsey District Council on the 24th Day of July 2017

The Common Seal of  
West Lindsey District Council  
was hereunto affixed  
in the presence of

**Authorised Officer**



**Regulatory Committee**

**4<sup>th</sup> June 2020**

**Subject: Food and Health and Safety Work Plan 2020/2021**

Report by:

Chief Executive

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

[andy.gray@west-lindsey.gov.uk](mailto:andy.gray@west-lindsey.gov.uk)

Purpose / Summary:

To seek approval for the Food, Health and Safety Work Plan 20/21

**RECOMMENDATION(S):**

Elected Members are asked to:

- a) Note the progress made within the Food and Health and Safety work area during 2019/2020;
- b) Approve the Work Plan for 2020/21.

## 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 : FIN/13/21/SSc**

The report outlines financial aspects of the service but does not contain any financial implications.

**Staffing :****Equality and Diversity including Human Rights :****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 :****Title and Location of any Background Papers used in the preparation of this report:**

## 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 the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive. The plan 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. Content

- 2.1. The work plan is attached as Appendix 1. The plan has been developed significantly over the last 12 months to reflect the enhanced work that the service is undertaking.
- 2.2. Information on performance and the inspection regime are shown in sections 9 and 10. Information relating to sampling is shown in section 7.7.

## 3. Update on Progress from 19/20

- 3.1. The work plan from 19/20 set out the following aims:
  - a) Inspect 90 to 95% of premises in line with the Food Standards Agency's (FSA) inspection schedule: **92.5% achieved. Increase of 99 inspections from previous year**
  - b) Increase the level of sampling that it undertakes: **sampling policy and process in place. 37 samples taken from 11 different premises during 19/20 (commenced Jan 20)**
  - c) Maintain a level of 97% of premises rating 3\* or above : **Annual average 97%**
  - d) Carry out proactive and targeted inspections of high risk late night food premises : **Late night premises inspected in line with requirements. Targeted work to be undertaken in 20/21.**
  - e) Enhance the level of resource available for Health and Safety investigations: **Additional qualified officer in place. Further work required in 20/21.**
- 3.2. Whilst all objectives have not been achieved fully, the additional officer within the work area did not commence in post until July 19. The volume of inspections achieved and the progress made in regards to sampling is a significant improvement.
- 3.3. In 20/21 the current inspection regime schedules 446 inspections.
- 3.4. The audit follow up was due to commence in quarter 1 of 20/21, however this has been delayed due to the Covid 19 pandemic. This follow up will be completed at the earliest opportunity, however

Members should be encouraged by the above in regards to the progress made within this specific work area.



# **Food and Health and Safety Work Plan**

## **2020/2021**

## **Impact of the Covid-19 Pandemic**

Service Delivery against the Food and Health and Safety Work Plan is, and will continue to be impacted by the current Covid-19 crisis. Resources are, and may continue to be diverted away from routine work contained within this Plan, towards emergency management of the current crisis.

### **1. Introduction**

- 1.1. The Council is required to produce and approve a work plan that is in line with both the Food Standards Agency Framework Agreement, and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive (appendix A). 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 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 1,156km<sup>2</sup> (446 square miles), with the administrative center 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 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. Service Delivery**

### **7.1 Staff Development / Internal Monitoring**

**Page 35**  
We are committed to ensuring that we have a high standard of

competency for Authorised Officers working within the Food / Health and Safety Team. We will ensure that resources are available to allow Authorised Officers to meet their obligations of Continued Professional Development. Training needs will be reviewed as part of the appraisal process to identify any competency deficiencies and further staff development.

Internal monitoring of food interventions / complaints / service requests will be conducted by the Food Team Manager / Lead Food Officer. Verification of the above will be undertaken at regular 1-2-1 meetings with Authorised Officers. Review of Competency Assessments, required under the Food Law Code of Practice / Practice Guidance will form part of the appraisal process. Subject to the findings of the internal monitoring at 1-2-1 meetings. Accompanied food hygiene inspections will be undertaken as a minimum, yearly.

## 7.2 Food Complaints

We will investigate all complaints about food / complaints about food premises received, where we have the authority and jurisdiction to do so. Food complaints will be investigated by Authorised Officers, demonstrably competent to do so, in accordance with the requirements of the Food Law Code of Practice: Statement of Competence for Authorised Officers. Officers will use their Professional Competency, coupled with available guidance, to determine the nature and scope of the investigation. Advice may also be obtained from colleagues. All complaints may trigger a food hygiene inspection, at the professional discretion of the Authorised Officer

## 7.3 Home Authority Principle & Primary Authority Scheme

The council supports the Primary Authority Scheme and Home Authority Principle. However, the Food Service does not have any formal Home Authority arrangements with individual businesses. Currently there are no food related Primary Authority relationships in place.

## 7.4 Advice to Businesses

The Council provides advice and education to food businesses, to support them in complying with their legal requirements, whilst also helping them to adopt good practices. The Council supports businesses by providing information on the Council webpage. Advice is readily available by contacting Officers directly. The Council also operates one to one advice visits for the benefit of food businesses, although this is a paid service.

## 7.5 Control of Infectious Disease

The service will investigate all outbreaks of food or water borne disease. All suspected cases will be followed up and confirmed cases will be contacted by telephone or by questionnaire to try and ascertain if there are any common factors.

## 7.6 Food Safety Incidents

Food safety alerts notify the public and food authorities of incidents concerning food which does not meet food safety or composition

standards. Alerts are received via the FSA alert system into the Commercial Team shared e-mail inbox which is monitored during office hours. Any alert marked “for action” is referred to the Team Leader to determine the most appropriate course of action.

## 7.7 Sampling

West Lindsey District Council shall comply with all relevant UK and EU legislation to ensure food within the district is appropriately sampled for microbiological safety. Each year a food sampling policy and programme will be produced and published to be available to local businesses and consumers. This will outline our general sampling strategy and approach relating to specific local situations. Sampling within the district will be carried out in accordance with this policy, programme and following a set documented procedure.

West Lindsey District Council has access to Senior Microbiologists from the Food, Water and Environmental Microbiology Laboratory (York) Laboratory as Food Examiners.

West Lindsey District Council aims to participate in all sampling programmes organised nationally through the Food Standards Agency and Public Health England. As agreed through Lincolnshire Environmental Health Manager’s Group all programmes organised through Lincolnshire Food Sampling Group will be participated in.

Locally, West Lindsey District Council will have regard to sampling from food businesses and manufacturers, particularly those premises producing high risk foods of animal origin. The Council will also sample businesses which produce and distribute foods outside the area. Food sampling and swabbing of food premises may be included as part of food hygiene inspections to help assess hygiene standards and processes. Food sampling will also be used as an important tool, when appropriate, in the investigation of food complaints and food poisoning incidents.

### 7.7.1 Food Sampling Policy

This policy will set out West Lindsey District Council's general approach to food sampling and its approach in specific situations such as process monitoring, Home Authority Principles, inspections, complaints, special investigations and national, regional and locally co-ordinated programmes.

Sampling makes an important contribution to the protection of public health and the food law enforcement function of the Local Authority. It is a useful tool for:

- Investigating complaints
- Investigating food poisoning or food contamination incidents
- Assisting in measuring compliance with food safety legislation when undertaking food hygiene inspections.

These matters are demand driven and samples will be taken as required.

Local Authorities have a duty to ensure food meets legally prescribed standards and routine sampling will monitor compliance.

West Lindsey District Council will ensure appropriate action on non-compliance with food safety legislation is taken in accordance with relevant Food Safety Legislation, Food Standards Agency Codes of Practice and the Enforcement Policy.

A procedural document details the method for taking samples, continuity of evidence and preventing deterioration or damage to samples whilst under the Authority's control.

Samples for examination are sent by courier to Public Health England, Food Water and Environmental Microbiology Laboratory (York). Other accredited laboratories may be used for specialist projects.

West Lindsey District Council's sampling programme will reflect the manufacturing, retail and catering premises within the district to ensure locally produced foods meet legal requirements and to assist those businesses in monitoring compliance. This will also reflect our Home Authority and any future Primary Authority responsibilities.

West Lindsey District Council will participate in PHE and local co-ordinated sampling programmes with other Local Authorities.

Figures relating to food sampling undertaken by the Authority will be returned to the Food Standards Agency via the Food Surveillance System and LAEMS returns.

West Lindsey District Council will follow documented procedures to ensure consistency following results of sampling and consider the Enforcement Policy before deciding what action to taken.

During routine sampling if unsatisfactory results are found the manufacturer or if relevant the local retailer/caterer will be notified of the results to discuss the proposed course of action.

If formal samples are taken in accordance with the FSA Code of Practice the local business will be notified and action taken in accordance with the Code of Practice, the Council documented Food Sampling Procedure and the Enforcement Policy in consultation with the Senior Environmental Health Officer/Environmental Health Manager as appropriate.

The sampling programme will be reviewed and updated annually and as required to reflect local and national priorities.

## **8. Profile**

8.1. 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	4	5
B	0	7	0	0	2	20	29
C	0	15	0	1	8	123	147
D	0	3	0	1	28	220	252
E	9	8	0	34	105	331	487
Unrated	0	2	0	1	3	43	49
<b>Totals</b>	<b>9</b>	<b>35</b>	<b>0</b>	<b>37</b>	<b>147</b>	<b>741</b>	<b>969</b>

8.2. The total number of food premises is 969 and there are currently 8 approved premises which may require 2 inspections per year.

8.3. 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 2020 is shown below;

FHRS Rating	Description	Number	%
5	Very Good	500	77.6
4	Good	94	14.6
3	Generally Satisfactory	36	5.6
2	Improvement Necessary	0	0
1	Major Improvement Necessary	11	1.7
0	Urgent Improvement Necessary	3	0.5

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.

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

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

## 9. Service Demand

9.1. The table below shows the demand placed on the service over the last 4 years.

	<u>2015/6</u>	<u>2016/7</u>	<u>2017/8</u>	<u>2018/19</u>	<u>19/20</u>
<b>Total Routine Planned Food Hygiene Inspections (A to D)</b>	352	390	394	358	372
<b>Completed Food Hygiene Inspections</b>	286 (81.25%)	315 (80.77%)	307 (78%)	248 (67%)	347
<b>Food Inspection Visits (inc. abortive)</b>	307	325	336	268	401
<b>Food Inspection Revisits (additional)</b>	57	71	54	47	25
<b>Request for Revisit, FHRS</b>	17	20	30	20	16
<b>Food / H&amp;S Complaints and Service Requests</b>	293	391	409	334	354
<b>Service Requests Requiring a Premises Visit (additional)</b>	54	80	56	35	45
<b>Accident Investigation</b>	19	7	3	6	2
<b>RIDDOR Reports</b>	80	66	71	42	37
<b>Infectious Disease Reports</b>	122	121	134	74	41

9.2. 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.

9.3. 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.

## **10. Planned Inspection Programme**

10.1. 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.

10.2. In 2020/21 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

10.3. The Food Law Code of Practice (March 2017) 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.

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

<b>Category</b>	<b>Inspection Frequency</b>	<b>No of Premises</b>
<b>A</b>	<u>6 months</u>	5
<b>B</b>	<u>12 months</u>	29
<b>C</b>	<u>18 months</u>	96
<b>D</b>	<u>24 months</u>	115
<b>E</b>	<u>36 months</u>	155
<b>UNRATED</b>	–	46

10.5. The above table represents a routine inspection programme for the Year 2020/21 of 446. Of these, 291 require a physical food hygiene inspection, and 155 category E, are inspected via an Alternative Enforcement Strategy. It should be noted that the above regime will be impacted upon by the current Covid-19 pandemic. The approach to inspections and their frequency is being reviewed regularly by the FSA and the work plan approach will be amended accordingly in line with this.

10.6 Food hygiene inspections undertaken which do not form part of the routine inspection programme are estimated to add a further 20 to 30% to these figures. Non-routine inspections include:-

- Paid for food hygiene inspections undertaken as part of the Food Hygiene Rating Scheme.
- Food hygiene inspections undertaken as part of a complaint investigation.
- New food businesses opening after 1<sup>st</sup> April 2020.
- Changes to the risk rating, resulting in more frequent inspection.

10.7. 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.

10.8. The Council ensures that a risk based approach to inspections occurs in regards to its health and safety obligations. Reference is made to targeting advice produced by the Health and Safety Executive contained within Local Authority Guidance LAC 67/2 version 9, ensuring we are aligned with wider national priorities, and other 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.

10.9. 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.

10.10. The Council works in partnership with Public Health England to

identify, control and prevent the spread of infectious diseases.

## 11. Resources

11.1. There are currently four authorised officers who undertake both food and health & safety related work within the Council. This equates to 3.0 FTEs for food, and 0.3 for health and safety. A further 0.3 FTE, towards delivery of the food and health & safety function, is provided by administrative support.

11.2. 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.

11.3. 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.

11.4. Financial Allocation - FS05 Food Safety Budget 2020-21

Description	Budget 2020-21
Employees	209,000
Transport	9,100
Supplies and Services	1,400
Third Party	300
Support Services	53,000
Income	(6,700)
<b>Total</b>	<b>266,100</b>

## 12. Liaison with Other Organisations

12.1. 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

## 13. Review

13.1. The Food and health and Safety Work Plan will be reviewed on a yearly basis

# HSE

## Statement of commitment between: Local Authority and HSE Regulatory Services

This joint statement of commitment (SoC), agreed by local authority (LA) representative bodies and the Health and Safety Executive (HSE) in March 2019, sets out our shared vision for an ongoing LA/HSE co-regulatory partnership. Ensuring LAs and HSE work together as effective, modern and professional regulators - delivering the positive benefits of efficient, world leading workplace health and safety, to achieve:

- Sustainable arrangements for the enforcement of work related health and safety.
- Established joint working arrangements resulting in effective engagement, consultation and communication.
- Consistency of high quality regulation across HSE and LA enforced businesses.

This shared SoC is aimed at Councillors, LA Chief Executives and their Heads of Regulatory Services. It outlines how LA senior managers and HSE will work together, to achieve sustainable future delivery of effective workplace health and safety enforcement in Great Britain (GB).

### Current position

LAs are a key part of the health and safety system in GB. They have a statutory duty under Section 18 of the Health and Safety at Work etc. Act 1974 to 'make adequate provision' for health and safety enforcement in their area, as set out in the 'National LA Enforcement Code' (the Code) ([www.hse.gov.uk/lau/la-enforcement-code.htm](http://www.hse.gov.uk/lau/la-enforcement-code.htm)).

LAs enforce workplace health and safety in two thirds of all business premises, around half of the total GB workforce. LAs predominantly cover the retail, consumer services, entertainment and warehousing/supply chain sectors.

Currently failures in the management of health and safety in LA enforced business sectors result in around 10 deaths, 5000 major injuries and over 100,000 new cases of ill health a year. Many of those harmed are members of the public/children, or vulnerable workers not provided with reasonable workplace protection.

HSE provides national direction via the the Code and its supporting documentation e.g. annually updated targeting advice ([www.hse.gov.uk/lau/lacs/67-2.htm](http://www.hse.gov.uk/lau/lacs/67-2.htm)) supports LAs to develop locally responsive sustainable delivery plans, using the most current intelligence and regulatory practice.

Effective management of health and safety brings direct benefits to the local community, by:

- Reducing work related death, injuries and ill health.
- Reducing the need for local public health and support for those recovering from injury and ill health.
- Reducing the rate of business failure due to business outages caused by incidents and harm to staff, or the loss of reputation.

This SoC was developed as part of the on-going work of the strategic group overseeing the HSE/LA co-regulatory partnership (HELA) and the supporting Practitioner's Forum. It also has the endorsement of the Local Government Association ([www.local.gov.uk/](http://www.local.gov.uk/)), Welsh Local Government Association ([www.wlga.gov.uk/](http://www.wlga.gov.uk/)) and Society of Chief Officers of Environmental Health in Scotland ([www.socoehs.com/](http://www.socoehs.com/)) and recognises that:

- LAs must target and prioritise regulatory resources to meet their legal duty to enforce health and safety;
- Continued delivery of effective co-regulation will require ongoing evolution in both the LA and HSE approaches to regulatory delivery, and
- The HSE and LA co-regulatory partnership plays a vital role in delivering the 'Help GB Work Well' strategy. ([campaigns.hse.gov.uk/hgbww/](http://campaigns.hse.gov.uk/hgbww/))

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This SoC does not relate to an LA's own responsibilities as a health and safety dutyholder. Information to support LAs as employers, service providers and procurers/commissioners of goods and services can be found on the HSE website ([www.hse.gov.uk/services/localgovernment/](http://www.hse.gov.uk/services/localgovernment/))

# Joint LA/HSE Commitments to Targeted Sustainable Health and Safety Enforcement

## What LAs & HSE will do together as co-regulatory partners to #HelpGBworkwell

LAs & HSE will provide an effective regulatory framework by:

- Sharing information, to make sure we take decisions on the best available evidence.
- Delivering risk based, targeted frontline interventions.
- Maintaining liaison and effective two-way communication via joint representation at county liaison groups as well as the joint LA/HSE HELA and Practitioner forums.

LAs & HSE will secure effective management and control of risk by:

- Delivering a consistent approach to the enforcement of work related health and safety across GB in line with the principles of the Regulator's Code ([www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)).

LAs & HSE will lead and engage with others to improve workplace health and safety by:

- Promoting the benefits of proportionate health and safety in their frontline engagement.
- Working together as co-regulatory partners to influence businesses as part of a national strategy.
- Using the latest in behavioural insight to develop new ways to change business behaviour.

## What LAs will do as independent co-regulators to #HelpGBworkwell

LAs will provide an effective regulatory framework by:

- Providing the competency, capacity, resource and support to fulfil their delivery plans.
- Working with other LAs to peer review activities and promote better health and safety outcomes.

LAs will secure effective management and control of risk by:

- Developing and implementing local delivery plans which clearly link to national and local priorities.
- Using national and local intelligence to effectively target poor performing sectors.
- Annually reporting their health and safety enforcement activity to HSE.

LAs will lead and engage with others to improve workplace health and safety by:

- Leading and engaging with their local business community to promote health and safety priorities and adopting the "Better Business for All" approach where relevant and sustainable.
- Sharing relevant local intelligence with HSE to inform the national perspective.
- Championing their role as health and safety regulators.

## What HSE will do as the national policy lead and a co-regulator to #HelpGBworkwell

HSE will provide an effective regulatory framework by:

- Reviewing the effectiveness of GB's occupational health and safety system.
- Providing LA regulators with access to topic specific materials and technical / forensic support.
- Monitoring and reporting on LA regulatory activity to the HSE's Board and other stakeholders.

HSE will secure effective management and control of risk by:

- Setting national regulatory priorities and the overarching strategic direction.
- Sharing expertise, practice and supporting materials to promote consistent/proportionate regulation.
- Supporting LAs to develop effective intervention plans by providing targeting guidance based upon up-to-date information and intelligence via targeting guidance which accompanies the Code.

HSE will lead and engage with others to improve workplace health and safety by:

- Co-ordinating national engagement and promotion of proportionate health and safety and using feedback from LAs to inform the development of national priorities in the LA enforced sectors.
- Providing support for LA local and national regulatory liaison and industry sector working groups.
- Championing the LA role as health and safety regulator.

