

## **WEST LINDSEY DISTRICT COUNCIL**

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 10 June 2021 commencing at 6.45 pm.

**Present:** Councillor Mrs Jessie Milne (Chairman)  
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor Liz Clews  
Councillor Timothy Davies  
Councillor Mrs Caralyne Grimble  
Councillor Paul Howitt-Cowan  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Judy Rainsforth  
Councillor Jim Snee

**In Attendance:**  
Andy Gray Housing and Enforcement Manager  
Katie Storr Democratic Services & Elections Team Manager (Interim)

**Apologies:** Councillor David Cotton

### **1 CHAIRMAN'S WELCOME**

The Chairman opened the meeting by welcoming all Members of the Committee back to the Chamber for the first time since the onset of the Covid-19 pandemic in March 2020. The safety measures that were in place were highlighted. In the absence of a public gallery, due to capacity within the Chamber, the Chairman advised the Committee meeting would be live webcast and extended her welcome to those watching at home.

### **2 PUBLIC PARTICIPATION**

There was no public participation.

### **3 DECLARATIONS OF INTEREST**

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

#### **4 MINUTES OF PREVIOUS MEETINGS**

Regulatory Committee – 11 March 2021

**RESOLVED** that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 11 March 2021 be confirmed and signed as an accurate record.

#### **5 MATTERS ARISING**

The Chairman introduced the report advising Members that the report would be taken “as read” unless Members had any questions.

With no questions, and with no requirement for a vote, the Matters Arising were **DULY NOTED**.

#### **6 MOTION REFERRED FROM FULL COUNCIL - 25 JANUARY 2021 - FLY-POSTING - REGULATORY POWERS**

Members gave consideration to a report which provided the Regulatory Committee with an overview of powers in relation to Fly-Posting, in direct response to a motion passed by Full Council on 25 January 2021.

Members were provided with context, noting that there was no formal definition of fly-posting, however, it was generally taken to be the display of advertising material on buildings and street furniture without the consent of the owner, and contrary to the law.

Section 3 of the report set out the current powers available to the Council to deal with such matters, and Section 4 the evidence of the extent of the issue.

It was noted that since April 2018 there had been 2 reports of fly-posting received, one in Gainsborough East and one in Scotter but also that no proactive work had been undertaken to understand the full scope of the issue across the District in relation to fly-posting on empty commercial units alongside other specific locations.

Finally, the report set out options the Council could consider and a proposal for the way forward given the current evidence and scope of powers available.

Debate ensued and Members felt it important that those known fly posters be engaged with on arrival within the town. In response to concerns in respect of inappropriate advertising on roundabouts, highways and high risk junctions, Officers outlined where reasonability lay and what actions could be taken, noting permanent signage was covered by planning enforcement legislation.

Advertising was a not a function licensed by West Lindsey and enforcement could not be undertaken on private land. Those bodies letting out private land for a use which could likely generate fly-posting and temporary advertising should be encouraged to address this in any hire agreement.

Following discussion and having been moved and seconded it was: -

**RESOLVED** that

- a) the current approach to dealing with fly-posting is sufficient and is reflective of the scale of the issue and the harm it causes;
- b) additional communications be developed to make residents aware of our powers in relation to fly-posting; and
- c) fly-posting be considered as part of the broader Public Space Protection Order work due to be undertaken for Gainsborough.

## **7 HEMSWELL CLIFF PUBLIC SPACE PROTECTION ORDER**

On the 11<sup>th</sup> March 2021, the Committee approved that it would consult upon the extension of the Public Space Protection Order (PSPO) at Hemswell Cliff.

The consultation had taken place between the 18<sup>th</sup> of March and 29<sup>th</sup> April 2021.

The Committee therefore considered a report which set out the results of that consultation Section 4 set out how the consultation had been undertaken, Section 5 the results, and Section 6, a proposal, namely, as a result of the consultation, it was proposed that Members approve the extension of the order for a further three year period.

Members needed to be satisfied that the conditions within the Act were met as referred to in 3.3 of the report, with Officers being of the belief that that the consultation, along with the information provided within the report to Regulatory Committee on 11<sup>th</sup> March 2021 demonstrated that the conditions were met.

No material changes had been made to the wording of the Order, on which consultation had been undertaken.

Debate ensued and both the Local Ward Member and the Chairman of the Committee welcomed the extension of the Order. The community had come a considerable way over the past 3 years and the Order had been one such tool that had proved of assistance. It was acknowledged that there was still a way to go but the continuation of the Order demonstrated a continued commitment to support and improve the area.

All Members of the Committee welcomed the proposal and having been proposed and seconded, on being put to the vote, it was unanimously

**RESOLVED** that the Hemswell Cliff Public Space Protection Order proposals be approved and as such the Order be extended for a three year period from 14<sup>th</sup> June 2021 to 13<sup>th</sup> June 2024.

## **8 FOOD AND HEALTH AND SAFETY WORK PLAN 2021/22**

The Council was required to produce and approve a work plan that was in line with the Food Standards Agency (FSA) Framework Agreement and the Statement of Commitment, agreed nationally between Local Authority Representatives and the Health and Safety Executive.

The Committee therefore considered such a Plan, which covered all work undertaken within the Housing and Environmental Enforcement work area, relating to Food and Health and Safety. The Plan's purpose being, to set out how the Council delivered its official controls and fulfilled its duties under food, health and safety, public health and drinking water legislation.

The Plan before Members also reflected the impact that the Covid-19 pandemic had had upon the work area in relation to delivering its statutory functions in respect of food hygiene. The information on performance and the inspection regime were shown in sections 9 and 10 of the Plan and were specifically highlighted to the Committee.

The Covid-19 Pandemic had severely impacted on the service area and its ability to deliver the usual obligations in relation to food safety. Officers in the work area had been immediately identified, and delegated by Government, to provide the frontline response within the majority of Local Authority Coronavirus Regulations.

As a result, the objectives within the 20/21 work plan have not been achieved and in some instances were not able to be achieved. FSA guidance had been followed at all times and during the Pandemic certain activities and inspections had been prohibited. Enabling the work area to focus on the Covid-19 response, had meant usual statutory requirements in relation to food hygiene inspections had been amended as the year progressed.

Further details of the COVID- 19 Impact were contained in Section 3 of the report including the increased service requests and future resourcing, in light of the FSA Recovery Road Map which would see the Authority need to deliver a substantial amount of inspections during 21/22 and into 22/23 before a return to more recognisable plan.

The Road Map and impact specifically on West Lindsey's resources short and long term were detailed in Section 4 of the report. The scale of the challenge was considerable, and resourcing would need to be increased to ensure that the Council could return to the normal inspection regime and the target of between 90-95% of routine inspections being achieved. A resourcing plan was under consideration.

Given the different approach, current performance and delivery targets would not be achieved however, the report recommended that, given the current circumstances raised through the report, the Committee should receive a progress report by January 2022, to be assured what progress was been achieved against the Recovery Plan.

Debate ensued and Members recognised the scale of the challenge. In response to questions, Officers confirmed budgets had been identified for temporary additional resources. Some level of food sampling would still be undertaken but would not continue at previous levels. All statutory requirements had and would continue to be met.

The current make-up of the team was outlined, at request, and Officers highlighted the

current market shortage within the profession, which was highly regulated, requiring Officers to be of a certified competency to undertake all aspects of the role.

Acknowledging the increased and extended role the Team had undertaken throughout the Pandemic, at the request of the Chairman, Officers shared with the Committee the types of activity they had undertaken, and the pragmatic approach which had been adopted. Formal action had only been taken when there had been no other option. It was acknowledged how difficult the last 12 plus months had been on everyone, residents and business alike.

The Committee sought information as to what liabilities the Council had should there be a serious illness as a result of a food premise. The Council's duty was to follow up on any such complaints and to undertake inspections in line with a schedule set by the FSA, which was risk based. Liability and legal responsibility to ensure the required standards were met at all times sat with the premise. Assurance was offered that the Authority at all times had acted in line with the FSA's direction, who had instructed authorities what premises it must inspect.

Bringing the debate to a close the Chairman and Committee Members thanked and offered appreciation to the team for all the work undertaken, acknowledging the considerable pressure and new demands the service had been under since the outset of the Pandemic.

**RESOLVED** that: -

- (a) the work undertaken by the Officers in the work area, in what has been, and still remains, the most challenging of times be noted and acknowledged;
- (b) the Food, Health and Safety Work Plan as detailed at Appendix 1, be approved; and
- (c) an update on performance against the FSA Recovery Plan be submitted to the Committee by January 2022 in order that the Committee can have assurance on progress being made, given the current circumstances raised through the report.

The meeting concluded at 7.31 pm.

Chairman