

Guildhall Gainsborough  
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## AGENDA

**This meeting will be webcast live and the video archive published on our website**

### Regulatory Committee

Thursday, 10th June, 2021 commencing on the rising of the Licensing Committee  
Council Chamber - The Guildhall

**PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED**

This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>

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

Councillor Liz Clews  
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 Jeff Summers

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 - 6)  
To confirm and sign as a correct record the Minutes of the Meeting of the Regulatory Committee held on Thursday 11 March 2021.
  
5. **Matters Arising** (PAGE 7)  
Setting out current position of previously agreed actions as at 2 June 2021.
  
6. **Public Reports for approval**
  - i) Motion referred from Full Council - 25 January 2021 - (PAGES 8 - 15)  
Fly Posting - Regulatory Powers
  
  - ii) Hemswell Cliff Public Space Protection Order (PAGES 16 - 29)
  
  - iii) Food and Health and Safety Work Plan 2021/22 (PAGES 30 - 52)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

2 June 2021.

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Virtual - MS Teams on 11 March 2021 commencing at 6.30 pm.

**Present:** Councillor Mrs Jessie Milne (Chairman)

Councillor Liz Clews  
Councillor David Cotton  
Councillor Mrs Caralyne Grimble  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Judy Rainsforth  
Councillor Jim Snee

**In Attendance:**

Andy Gray	Housing and Enforcement Manager
Katie Storr	Senior Democratic & Civic Officer
James Welbourn	Democratic and Civic Officer

**Apologies:** None.

### 15 PUBLIC PARTICIPATION

There was no public participation.

### 16 DECLARATIONS OF INTEREST

Councillor David Cotton declared a non-pecuniary interest in items 19 and 20 as their subject matter was Public Space Protection orders (PSPOs); should any PSPOs be subject to a court case, as a magistrate he would not be allowed to sit in on the hearings.

This did not preclude him from speaking, or voting on those items.

### 17 MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting held on 10 September 2020 were approved as a correct record.

The meeting notes from the hearings held on 6 October 2020, 17 November 2020 and 25 February 2021 were noted.

### 18 MATTERS ARISING

The matter arising was noted.

### 19 PUBLIC SPACE PROTECTION ORDERS - GENERAL UPDATE

Members considered an update on the work undertaken in relation to PSPOs.

This report was before committee as Members had previously thought it useful to have regular updates on this topic.

The following pieces of information were highlighted:

- The District wide dog fouling PSPO was in place and was due to expire in June 2023. This related to the removal and disposal of dog fouling, as well as dog owners carrying the means to remove dog fouling;
- The PSPO previously in place at the Trinity Arts Centre expired in 2020;
- There were processes already in place for consultation. The response to the consultation on dog fouling was remarkable at over 1000 responses. Clearly matters such as dog fouling were relevant to West Lindsey's local communities;
- There was a list of PSPOs at section 4 of the report that had been talked about at committee, or raised outside of this process. The topics were:
  - **District wide dog control**: this would broaden work carried out into dogs on leads and areas that dogs can, or can't access. Gainsborough Town Council had raised concerns about some of their sites, including playing fields. This order across the District would be a huge piece of work, so it could make sense to focus this work where it was most appropriate;
  - **Household waste** – this issue arose when looking into bagged waste at the curb side. Legislation on littering as a result of the presentation of household waste was a 'three-strike' fixed penalty. On a third offence, the offender would receive a fixed penalty. A PSPO here would allow for a quicker penalty as a specific area would be given a set of requirements;
  - **Town Centre based PSPO** – this arose following discussions with ward Members in Gainsborough South-West about the now defunct Trinity Arts Centre PSPO, and whether anything could be done about street drinking. There was currently a PSPO in force in Lincoln City Centre. Unfortunately, the last 12-18 months have not helped in deciding whether this is a problem that needs addressing due to Covid-19.

Following this introduction, Members then asked questions of the Housing and Enforcement Manager. Further information was provided:

- If someone were to have committed three offences and received a penalty, on a 4<sup>th</sup> offence officers could start the whole process again, or more likely, would go straight to another fine to avoid undermining the process. To date, this had not happened to the knowledge of officers present;
- Officer time was always well spent when looking to educate residents, particularly around waste;
- There were existing powers on wheelie bin waste and side waste. If there were any reports of early presentation of waste, West Lindsey District Council (WLDC) would

contact the resident and ask them to take their bin back onto their land;

- The WLDC policy on side waste, or waste that was not in a bin but at the side of the bin, advises not to collect this waste. However, this would depend on the round or circumstance as on some occasions this was being collected;
- Fixed penalty powers were in place for general littering. The general principle behind PSPOs was that they cannot be used if there was an existing power in place. To help counter littering, engagement with schools and Parish Councils was key;
- It was important to be realistic around Council resources on litter picking. Clearly, the busy areas, such as main roads would be undertaken by WLDC teams, but other communities have taken it upon themselves to organise litter picks;
- The general rule around preventative signage was that officers could install a sign wherever it was needed. The signs were not of a size that caused any obstruction. Scope was there to work with schools on more localised signage, but a dedicated piece of work would be required for this to come to fruition.

The report was then moved and seconded, and following a vote it was unanimously **RESOLVED** to:

- (1) Note the content of the report and the update it provided;
- (2) Approve that the findings in relation to the future Public Space Protection Order (PSPO) proposals were brought back to committee within 12 months for a decision to be made on whether or not to pursue them.

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

Members considered an update on the Hemswell Cliff Public Space Protection order, and a request to go to a consultation.

The current PSPO was due to expire in June 2021, and officers felt there was strong justification for extending it, as the PSPO had had a real impact. There would be a further meeting with Hemswell Cliff Parish Council to discuss any issues they may have.

A number of officers from WLDC had been involved with this work, and it had been a collective effort.

Comment from Councillors included praising the improvement seen at Hemswell Cliff and putting on record thanks to Councillor Paul Howitt-Cowan for his input.

Members were informed that some of the anti-social behaviour previously seen at Hemswell Cliff was related to deprivation and property prices. Hemswell Cliff was a specific example of seeing the result of fast house sales following the relinquishing of ownership by the Ministry of Defence.

The report was moved, seconded, and following a vote it was unanimously **RESOLVED** to approve the proposal to consult upon the extension of the Hemswell Cliff Public Space

Protection Order.

## **21 WORKPLAN**

Members were informed that in addition to the reports contained within the workplan, there would be further reports to come to Regulatory Committee on the Gambling Act, and on abandoned shopping trolleys.

The workplan was then noted.

The meeting concluded at 7.26 pm.

Chairman

## Regulatory Committee Matters Arising Schedule

**Purpose:**

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

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

Meeting	Licensing and Regulatory Committee				
<b>Status</b>	<b>Title</b>	<b>Action Required</b>	<b>Comments</b>	<b>Due Date</b>	<b>Allocated To</b>
Black	Presentation of waste	<p>The Housing and Enforcement Manager at the Regulatory Committee on 11 March agreed to speak to the Waste team to see if there was anything that could be done about educating residents on when to put their waste out.</p> <p>In particular, making sure residents don't put bins out too early.</p>	<p>Information is provided to residents on the appropriate collection days and there are effective procedures in place for the early presentation of waste, which following on from warnings being issued can lead to a fixed penalty notice.</p>	10/06/21	Andy Gray
Black	Litter bins	<p>The Housing and Enforcement Manager informed Regulatory Committee on 11 March that litter bins are provided on main roads such as Corringham Road, Foxby Lane etc.</p> <p>However, he agreed to contact Simon Smoothery to see how further bins could be provided. Results to be relayed to the Chairman.</p>	<p>The Chair of the Committee has been contacted and advised of the process for installing new bins within an area and asked to do this via the prescribed route. Members of the public can do this via the usual contact process.</p>	10/06/21	Andy Gray

# Agenda Item 6a



**Regulatory Committee**

**10<sup>th</sup> June 2021**

**Subject: Motion referred from Full Council – 25 January 2021 - Fly Posting - Regulatory Powers**

Report by:

Assistant Director – Change Management & Regulatory Services

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

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

Purpose / Summary:

To provide Regulatory Committee with an overview of powers in relation to Fly Posting in response to the motion presented to Council on 25 January 2021.

## **RECOMMENDATION(S):**

Committee are asked to agree:

- a) That 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) That additional communications be developed to make residents aware of our powers in relation to fly-posting.
- c) That fly-posting is considered as part of the broader Public Space Protection Order work due to be undertaken for Gainsborough.



## IMPLICATIONS

### **Legal:**

The powers available to the Council to address fly-posting are outlined in section 3 of the report. There are a number of legislative powers available currently under the Town and Country Planning Act 1990, The Clean Neighbourhoods Act 2005 and the Anti-Social Behaviour, Crime and Policing Act 2014.

### **Financial : FIN/17/22/SSc**

No financial implications arising from this report

### **Staffing :**

None noted

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

None noted

### **Data Protection Implications :**

None noted

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

Fly-posting is not only detrimental to the appearance of the locations in which it occurs, it also creates additional waste due to the methods used for distributing material. For example, when parked cars have flyers placed onto them on a mass scale, a proportion of these will not be disposed of appropriately and will have a detrimental effect on

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

The relevant legislation provides for criminal proceedings to be taken forward should offences be committed.

### **Health Implications:**

None noted

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

**Motion submitted to Council – 25 January 2021**

**Risk Assessment :**

The following risks may occur should the recommendations be taken forward:

Increase in reporting: should there be a significant increase in reporting the Council may need to consider the resources available to deal with this type of issue.

Reputational: Given the limited number of incidents and lack of reporting, it does not appear that there is a reputational risk in relation to this issue.

**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. At Full Council on the 25<sup>th</sup> January 2021 , a motion was put forward by the Liberal Democrat Group requesting that “the exploration of enforcement of current laws is looked at and further restrictions or a total ban on fly posting across the district is made subject to a local by-law”
- 1.2. In response to this motion it was agreed that a paper would be presented to Regulatory Committee, within which the powers available would be explored, along with the scale of the issue within the District.
- 1.3. The Motion is set out in full below

### **Fly Posting**

“Mr Chairman, recently the Circus visited the town of Gainsborough, and despite the current restrictions had a period of putting on shows.

Everyone would expect them to advertise their presence before arrival and display of posters in shops and so on is acceptable.

What is not acceptable is the amount of fly posting that was done by the Circus, not only to advertise their coming to Gainsborough; but also as they prepared to leave fly posting as to where their next stop would be.

The fact is that even if an occasional fly post was put up that would not really be acceptable, but what happened was the Circus put up three, four or five posters in one single location. Empty shop fronts were targeted and these posters once put up will over time deteriorate and then become litter, to say nothing of the eye-sore they are in situ.

Gainsborough was not the only settlement targeted; other places too had the fly posting and it is not an isolated incident. Other events are known to fly post all over the district. While we want the attractions, they advertise, to come in to the district it is the mess left behind of these fly posts, and where there are multiple posts in one location it causes more and more of an eye sore and eventual litter. Fly posts are rarely if ever taken down after events by those who place them in many locations most of which are not appropriate.

The Liberal Democrat Group collectively, and hopefully joined by other Members of the Council, as we are all affected by this; would like to move that a more robust stance be taken against any fly posting in the district and while accepting there are some current rules and

regulations, we would like to see these firstly enforced, as they clearly are not being at the present; and secondly enhanced and made tougher.

The Council can put in place local by-laws on such matters as these and we would like to see options to do this with a possible ban on fly posting across the district to be explored and then enacted.

The cost of clearing up after these fly posts, which become litter, will be saved and then can be used to bring enforcement of a by-law. Once the knowledge is broadcast, we will substantially reduce this unwarranted and unnecessary wanton street vandalism, for that is what it is.

We therefore move the exploration of enforcement of current laws is looked at and further restrictions or a total ban on fly posting across the district is made subject to a local by-law.

We so move, collectively as a Liberal Democrat Group.”<sup>i</sup>

1.4 The Minutes arising from that meeting can be viewed at: -

<https://democracy.west-lindsey.gov.uk/documents/g2390/Printed%20minutes%2025th-Jan-2021%2019.00%20Council.pdf?T=1>

## **2. Context**

2.1. There is no formal definition of fly-posting, however, it is 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. Fly-posting can occur in any location but is particularly prevalent in urban areas. It can be unsightly, if not removed after the advertised event and is often seen as symptomatic of low environmental quality. Fly-posting is also where posters and fliers are put on property and vehicles without permission.

2.2. The activity that prompted the motion to be presented to the Council was the advertisement of the travelling circus, which traditionally targets a wide range of locations and uses various methods of advertisement including the attaching of posters to buildings and the leafleting of vehicles.

## **3. Current Approach**

3.1. There are powers available for the removal of fly-posting, which are summarised below;

- a) Under section 225 of the Town and Country Planning Act 1990, where a placard or poster identifies the person who displayed it or caused it to be displayed, the District Council may serve notice on them to remove it. This may be in addition to any prosecution. Where the person served with the notice does not remove the advert, or where the Council cannot trace a relevant person, it may remove or obliterate the advert.
- b) The District Council has also has a power to issue a Fixed Penalty Notice for these offences under the Clean Neighbourhood Act 2005
- c) The Council also has a power to issue a community protection notice to a property owner under section 43 of the Anti-social Behaviour, Crime and Policing Act 2014 which would require them to remove the fly-posters if their conduct is unreasonable and having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.
- d) Illegal adverts on street furniture or on structures beside highways can be removed by the County Council under section 132 of the Highways Act 1980.

3.2. For approach a), the Council's Planning Enforcement Officers seek to resolve this using the relevant legal power. This type of fly posting is not the fly-posting referred to that is causing concern within the Council motion. This normally relates to the advertising of businesses or events near to a highway and is separate to the distribution of printed matter and the more traditional fly-posting that is referred to.

3.3. The Enforcement Officer within the ASB Team is the officer that deals with these reports when they are made to the Council. There is an online reporting form and information in relation to Fly-Posting on the Council's website.

#### **4. Evidence**

4.1. In order to consider the appropriate response to this motion the reports relating to fly-posting received within the last two years have been considered.

4.2. Since April 2018 there have been 2 reports of fly-posting received, one in Gainsborough East and one in Scotter.

4.3. There has not been any proactive work undertaken to understand the full scope of this issue across the District in relation to fly-posting on empty commercial units alongside other specific locations.

#### **5. Other Options Available**

5.1. The Council could consider, subject to the necessary evidence to support it, whether a Public Space Protection Order (PSPO) is necessary to address the issue of fly-posting. This would be enabled under the Anti-Social Behaviour, Crime and Policing Act 2014 and is a regulatory power that the Council has utilised to address other issues within the District.

5.2. A proactive communications campaign to raise awareness of fly-posting may also help to assess the scale of the issue across other areas of the District.

5.3. Direct contact could also be made with the organisations who have been cited as contributing to this issue to make them aware of the impact that it has locally.

## **6. Summary**

6.1. Currently, based on the evidence there does not appear to be a major risk in relation to fly-posting, which is reflected in the level of reporting.

6.2. Certain businesses pose a specific risk, due to the type of activity they operate and the way in which they advertise it. Specific efforts need to be taken to deal with these businesses.

6.3. The Council's existing powers provide the scope to deal with this issue effectively and alongside this further powers in the form of a PSPO can be considered in the future.

## **7. Recommendations**

Committee are asked to agree:

- a) That 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) That additional communications be developed to make residents aware of our powers in relation to fly-posting.
- c) That fly-posting is considered as part of the broader Public Space Protection Order work due to be undertaken for Gainsborough.

Appendix 1 – Images provided within Council Motion



<sup>i</sup> Supporting images had been circulated.

# Agenda Item 6b



**Regulatory Committee**

**10<sup>th</sup> June 2021**

**Subject: Hemswell Cliff Public Space Protection Order**

Report by:

Chief Executive

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To request a determination from Committee in relation to the extension of the Public Space Protection Order at Hemswell Cliff.

**RECOMMENDATION(S):**

Committee are asked to:

- a) Agree 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



## 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/22/22/A/SSc**

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.

There will be a small ongoing cost in relation to any signage needed for the PSPO within the immediate area and this will be met via the existing Community Safety revenue budget (CS02)

### **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 Councils approach to fixed penalties is outlined in its Corporate Enforcement Policy.

### **Data Protection Implications :**

None noted

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

None noted

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

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

The report sets out the rationale for the above in relation to Hemswell Cliff.

### **Health Implications:**

Whilst there are no direct health implications referred to within this report, the PSPO is aimed at improving the quality of life within the designated area for its residents.

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

Regulatory Committee, 11<sup>th</sup> March 2021, item 20. Report on Hemswell Cliff PSPO seeking approval to consult on its extension.

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=262&MIId=2434&Ver=4>

Regulatory Committee, 15<sup>th</sup> March 2018 item 6b. Report on Hemswell Cliff PSPO – recommendation on making an order

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=262&MIId=1970&Ver=4>

### **Risk Assessment :**

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

Consultation – in carrying out the consultation it may be that the Council has to amend its recommendation due to the responses received. The proposals for the PSPO would then be reviewed on that basis.

### **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

x

**Key Decision:**

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

Yes

No

## **1. Introduction**

- 1.1. On the 11<sup>th</sup> March 2021, the Council's Regulatory Committee approved that it would consult upon the extension of the Public Space Protection Order (PSPO) at Hemswell Cliff.
- 1.2. This paper included information that provided an overview of the situation within the PSPO area over the course of its first three year period and demonstrated that the number of incidents related to the PSPO restrictions had reduced. The report also highlighted the positive impact that the installation of CCTV and the Council's involvement in the residents company had had on the area.
- 1.3. The consultation for this took place between the 18<sup>th</sup> of March and 29<sup>th</sup> April 2021. This report sets out the results of that consultation and makes a recommendation in regards to whether the PSPO should be extended.

## **2. Context**

- 2.1. The background and evidence relating to this PSPO is contained within the committee report presented on the 11<sup>th</sup> of March to Regulatory Committee.
- 2.2. The report provided an overview of the current situation in regards to the PSPO and highlighted the positive impact that it had had in relation to reducing down the overall number of Anti-Social Behaviour incidents. The report also recognised that combined with interventions such as CCTV, the PSPO has broadly been successful.
- 2.3. The current PSPO has been in place since 2018 and expires on the 3<sup>rd</sup> of June 2021.

## **3. Legal Position**

- 3.1. 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.
- 3.2. These Orders can be made on any land open to the air that the public has a right or entitlement of access to and can be made by the Council's Regulatory Committee.
- 3.3. 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

#### **4. Consultation Results**

- 4.1. The consultation on the extension of the PSPO took place between the 18<sup>th</sup> of March and the 29<sup>th</sup> April 2021. The consultation took place in the form of a survey, which was placed on the Council's website.
- 4.2. Public notices have been produced for the PSPO extension. These have been available to view on the Council website. These notices were also placed in the local press.
- 4.3. It was advertised via its social media channels and website, the local Parish Council, through direct contact with statutory consultees as well as being sent to all homeowners within the area via the Hemswell Residents Company (68 landlords in total).
- 4.4. A meeting was held with the Hemswell Cliff Parish Council and members of the Hemswell Residents Company via Zoom on the 25<sup>th</sup> March at 7pm. The notes from this meeting are included in the appendices.

#### **5. Consultation Results**

- 5.1. The full results from the online form are shown in appendix 1, these can be summarised as follows:
  - 25 responses were received via the online form
  - 92% of respondents felt that anti-social behaviour or environmental issues were still a problem
  - Waste and litter (90%) and parking (82%) were cited as the main issues by respondents
  - 96% of respondents agreed that the PSPO should be extended.
- 5.2. The comments received within the online survey responses referred to other issues such as;
  - More effective working needed between agencies
  - The concerns about poor parking generally
  - Consideration for additional measures for landlords
  - Concerns about the lack of Police presence
  - Would like to see more fines being issued
  - Concerns about property values and general condition of the estate and investment in it
  - Recognition that ASB rates have fallen
  - Suggestions that some residents are still living in fear
- 5.3. The meeting with Hemswell Parish Council and Hemswell Residents Company resulted in the following key points;
  - There was general support for the continuation of the PSPO

- The limitations of the PSPO were a concern, but it was agreed that it does act as a good deterrent
- Noted success of CCTV installation
- Concerns about need to use Fixed Penalties more frequently

## **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. To enable this, Members must be satisfied that the conditions within the Act are met as referred to in 3.3 above.

6.3. It is believed that the consultation, along with the information provided within the report to Regulatory Committee on 11<sup>th</sup> March 2021 demonstrate that the above conditions are met.

6.4. A copy of the proposed order is shown in appendix 3 .This order will be made available on the Council's website.

## **7. Recommendations**

Committee are asked to;

- a) Agree 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



**West Lindsey District Council**  
**Public Spaces Protection Order (PSPO)**

Consultation on use of a Public Spaces Protection Order (PSPO), under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014

This proposal is with reference to extending a PSPO to ban certain activities which have caused, or are likely to cause if no order is made, a detrimental effect on quality of life in the Hemswell Cliff area. This is based on resident complaints to the council and visible deterioration of the cleanliness and state of the area. All proposed conditions can be found in the draft order released with this consultation document.

This consultation took place between 17<sup>th</sup> March 2021 and 29<sup>th</sup> April 2021. 25 responses were received.

1. Are you?

- 11 (47.8%) a resident of Hemswell Cliff
- 0 (0.0%) a business at Hemswell Cliff
- 7 (30.4%) a landlord with one or more properties at Hemswell Cliff
- 2 (8.7%) a visitor to the business park
- 2 (8.7%) a visitor to a friend/relation who lives in the area
- 1 (4.3%) a visitor to the school
- 0 (0.0%) a statutory agency

Other (Please state)

1 response

- work at the school

2. Do you believe that anti-social behaviour or environmental issues are still a problem at Hemswell Cliff?

- 22 (91.7%) Yes still an issue
- 1 (4.2%) No longer an issue
- 1 (4.2%) Was never an issue

3. If yes to question 2, what is the issue?

- 20 (90.9%) Waste and litter
- 12 (54.5%) Grazing animals
- 18 (81.8%) Inconsiderate parking or parking on the grass
- 9 (40.9%) Quad bikes

Other (Please state)

6 responses

- Fires on communal areas
- People smoking weed so bad we can not have the windows open, loud parties all weekend
- Dirt bikes, caravans, dumped household waste outside property
- Fires on public land



- Threatening behaviour towards residents of Hemswell Cliff
- Scrap vans

4. Do you agree with the proposals to make extend the PSPO at Hemswell Cliff as suggested in the draft order?

23 (95.8%) Yes

0 (0.0%) No

1 (4.2%) Unsure

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

8 responses

- I think the PSPO could be used to better effect if all agency were to work together more effectively.
- Parking on the estate is a problem most houses have more than 1 car and the estate doesn't have the spaces for the amount there are. The entrance to the estate is especially bad as you cannot see around the blind bend when you move out to overtake all the parked cars. I'm sure these houses have spaces in the car park behind Capper Avenue so it's just lazy that they want to park in front of their houses and cause a hazard.
- Landlords should be fined if there properties are neglected.
- There are people still using physical violence in the street to settle their disagreement. Bonfires are still being used. For an area with a public protection order in place since lockdown I have not seen the police presence we were told we were getting and that has only made matters worse
- More fines need to be issued, horse is often on open area in view of the cameras but nothing is done. Multiple vehicles park on grassed areas, again in view of cameras, nothing done. The area has improved over the years but still not back to where it was.
- I purchased my property as an investment over 10yrs ago and due to the AS behaviour on the estate and the complete lack of police presence and lack off local council intervention I am stuck with a property that is still worth less than the original purchase price. Hemswell Cliff is a "den of iniquity "and is the only estate in the country whose property prices have fallen over this lengthy period. There was a suggestion that investment was underway some years ago but this seems to have fallen by the wayside. It was also suggested that the local council were going to take over the running of the estate, thus allowing residents to stop paying the costly service charge each month but again this offer seems to have been taken off the table. It would be nice to receive reassurances that hold their ground and not false promises. Happy to discuss further.
- Since the PSPO has been in place, antisocial behaviour has fallen, it's only makes sense to keep the PSPO in place to prevent the issues on the estate prior to the PSPO.
- Residents are living in fear or moving out.

## Notes of PSPO consultation between HMPC, HRC and West Lindsey District Council

25 March 2021 at 7.30pm via zoom

Present:

Cllrs Prestwood, Kirman and Richardson - HCPC

Tracey Williams HRC

Andy Gray, Luke Thomson and Shayleen Towns – WLDC

Helen Reek, Clerk to the Parish Council taking informal notes

Andy Gray circulated a link to the consultation on WLDC's website and the report considered by the Regulatory Committee on 11 March 2021. Other consultation would be taking place with landlords, the school and other statutory consultees. The Parish Council had advertised the consultation on its facebook page.

As part of the consultation, this meeting had been arranged for the Parish Council and HRC to ask questions about the process and to submit their views. The consultation closes on 29 April. Key points of discussion are set out below:

- HCPC supported the continuation of a PSPO for the area.
- AG confirmed that flytipping and waste wouldn't be included as WLDC had separate powers to deal with that.
- AG to review some of the wording as the PSPO is a legal document – example cited was not to go on the grass which technically would include individuals with a legitimate reason to go on the grass.
- Discussion about the limitations of dealing with people with parking offences but it was agreed that it stays in the PSPO as it acts as a deterrent.
- Discussion about horses grazing on the land 'fly grazing'. There is no power to move horses but would require Police support if it becomes an issue. AG to review other powers that may be used.
- Noted that CCTV had had an effect on behaviour.
- Discussion about only one Fixed Penalty Notice being issued. AG explained that talking to people to change behaviour was preferable and to stop issues arising in the first place but would look at that. It was recognised the interventions that HRC/WLDC managed estates had installed.
- There was still a regular presence in the village but it was recognised that this wasn't as frequent because of covid.
- AG mentioned that WLDC would be considering expanding the Selective Licensing Scheme in other areas of WLDC and this may include Hemswell Cliff.

## 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 – Hemswell Cliff Public Space Protection Order 2021.

This

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 in that the activities set out below have occurred in the vicinity and have had a detrimental effect on the quality of life of those in the locality, and it is likely that those activities will be carried out in the area and have such an effect in future without the order. 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:

- That within the area shown in the attached map, all land to which the public has a right or entitlement of access will have the following prohibitions attached:
  1. No domestic or farm animals may be grazed or kept on the land, whether under tether or within a cage, or freely roaming
  2. Burning and bonfires are banned unless arranged by or with the written permission of the local authority
  3. Structures and equipment, including tents, trampolines, marquees and playground equipment, whether permanent or temporary, may not be placed on the land unless with the written permission of the local authority
  
- That within the area shown in the attached map, all land to which the public has a right or entitlement of access with the exception of roads and car parks will have the following prohibitions attached:
  1. No vehicle may be parked on the designated land; for the purposes of the order ‘vehicle’ includes any motor propelled vehicle including off road bikes and quad bikes or anything designed to be trailed by a motor propelled vehicle e.g. a trailer, horsebox or caravan. This does not apply to emergency vehicles responding to an emergency call, or vehicles used in or for an event arranged or agreed in writing by the local authority
  2. No vehicle may be driven on the designated land; for the purposes of the order ‘vehicle’ includes any motor propelled vehicle including off road bikes and quad bikes or anything designed to be trailed by a motor propelled vehicle e.g. a trailer, horsebox or caravan. This does not apply to emergency vehicles responding to an emergency call, or vehicles used in or for an event arranged or agreed in writing by the local authority

- Exemptions are listed at Schedule 1
- A map of the area is contained at Schedule 3

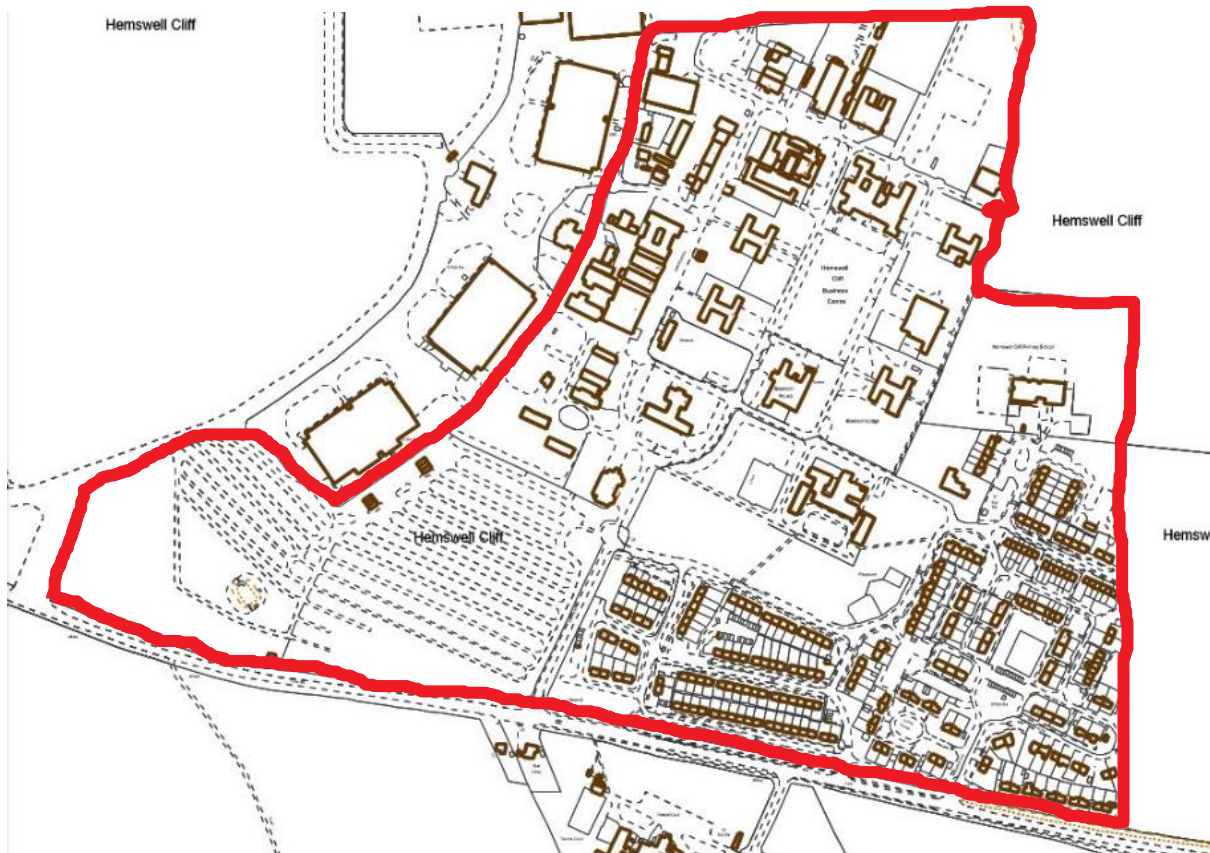
### Schedule 1

1. There are no exemptions to this order further to those contained in the wording of the order.
2. The order will not apply to private land that the public have no right of access to, including gardens

### 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 up to £100.
3. Fixed penalty notices may be issued by an authorised officer. 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 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 11th June 2021 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  
XX Day of June 2021

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

**Authorised Officer**

# Agenda Item 6c



**Regulatory Committee**

**Thursday 10 June 2021**

**Subject: Food and Health and Safety Work Plan 2021/22**

Report by:

Chief Executive

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To provide Committee with the Food, Health and Safety Work Plan 2021/2022 for approval.

## **RECOMMENDATION(S):**

Committee are asked to:

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

## 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/25/22/SSc**

The report outlines financial aspects of the service within its content, as is required as per the Framework Agreement.

The report does make it clear that additional resources will be required during 2022/2023 in order to ensure that the inspection programme returns to its normal level of service whilst delivering the services required for the recovery period and following on from the Covid-19 pandemic.

It is proposed that the need for additional resources is reviewed at the end of the summer once there is more certainty in relation to the Covid-19 road map. Existing funding relating to the Covid-19 response would be used to cover the cost of the additional resources in the short term, as this work can be aligned with Covid related activities. However, it is highly likely that additional resources will be needed in order to ensure that the Council can return to the normal inspection regime and the target of between 90-95% of routine inspections being achieved.

### **Staffing :**

The report identifies the staffing resource available to the service and how they are deployed in order to meet the Council's statutory responsibilities.

The report also outlines the additional demands being placed on staff within the work area during this period and advises that over the next 12 months the service is likely to require additional resources in order to meet its statutory obligations and continue the Covid-19 recovery support.

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

There are no implications noted.

### **Data Protection Implications :**

There are no implications noted.

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

There are no implications noted.

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

There are no direct implications within this report. In line with the Council's Corporate Enforcement Policy this work area seeks to ensure that other agencies are engaged where necessary to address specific concerns.

**Health Implications:**

The delivery of an effective Food and Health and Safety Work Plan has a clear and direct impact on the health of the Districts residents. The plan seeks to ensure that Food Hygiene Standards are maintained in line with legislation and that Health and Safety incidents are investigated accordingly.

Within the period of the previous plan and the current plan for 2021/2022, the service is playing a direct role in the ongoing response to the Covid-19 pandemic. This response is based on the work areas resources being re-directed to address Covid-19 related concerns, to enforce the new Coronavirus Regulations and to respond to any Outbreak Management concerns in partnership with Lincolnshire County Council Public Health.

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

**Risk Assessment :**

Maintaining Food Hygiene Inspection Requirements – the ability to deliver statutory obligations will continue to be impacted by Covid-19 and the Council will continue to work to the FSA guidance in relation to this.

Covid-19 – any major outbreaks or changes to local restrictions impact on the ability of the service to deliver its core functions. This position is continually reviewed in line with the Governments guidance and local infection rates.

**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 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 reflects the impact that the Covid-19 pandemic has had upon the work area in relation to delivering its statutory functions in relation to food hygiene.
- 2.2. Information on performance and the inspection regime are shown in sections 9 and 10.

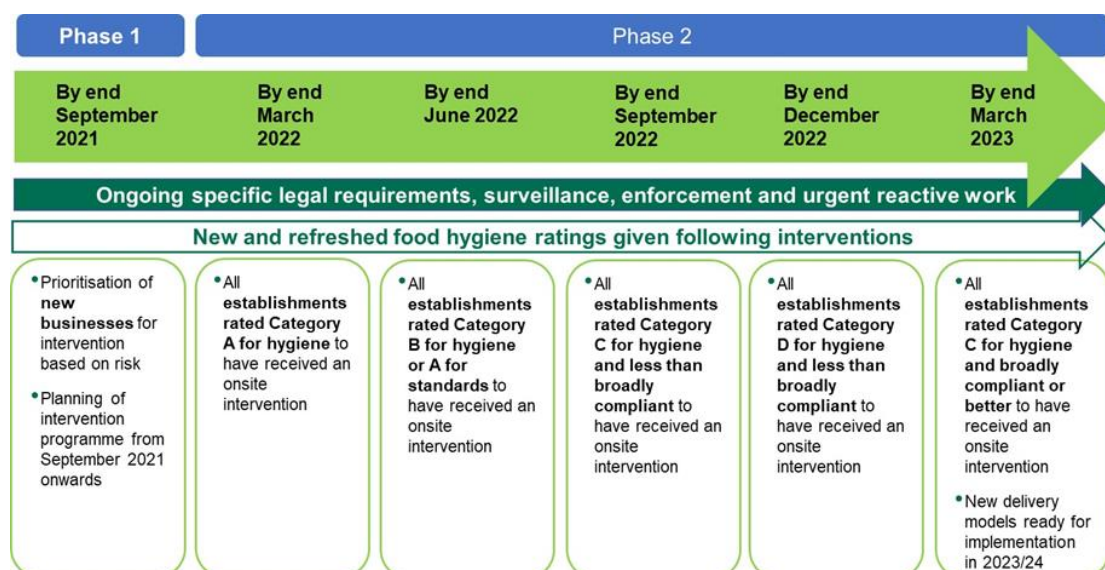
## **3. Covid – 19 Impact**

- 3.1. From the outset of the pandemic, this service has been severely impacted in its ability to deliver the usual obligations in relation to food safety. The cohort of officers allocated to this work were immediately identified and delegated by Government to provide the frontline response within the majority of Local Authority Coronavirus Regulations.
- 3.2. 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. For example, the FSA issued guidance throughout the pandemic advising Local Authorities as to what they could and could not inspect. This enabled the work area to focus on the Covid-19 response and meant that the usual statutory requirements in relation to food hygiene inspections were amended as the year progressed.
- 3.3. The response to Covid-19 has required officers to lead on work relating to advice, education and ultimately, enforcement, to both businesses and residents. To provide comparison on how the scale of work has changed within the 12 month period, the number of service request has increased by 147% from 354 in 19/20 to 875 in 20/21.
- 3.4. There were minimal food hygiene inspections placed upon the Council 20/21 and these were all achieved via the proposed approach of virtual inspections. During the time period, the Council responded to any high risk food hygiene complaints in the usual manner.

3.5. At the height of the pandemic, one experienced officer left the authority. They have been replaced, by choice, by a less experienced officer to provide the service with longer term stability. This officer's ability to complete the final elements of the competency assessments for food inspections have been hampered by the non-provision of face to face assessments. This delay has not impacted on the Council's ability to respond to the Covid-19 pandemic, but may have a further impact on the Councils ability to deliver the required quantity of food hygiene inspections. This is explained further in section 4.

#### 4. Approach to Food Hygiene Inspections in 21/22

4.1. The FSA have set out their recovery road map for food hygiene inspections. This is shown below and sets out how Local Authorities are being asked to return to a planned routing inspection, in accordance with the Food Law Code of Practice. This approach is set out below;



4.2. In practice, this means that by the end of March 2022 the Council is required to complete an estimated total of 74 inspections. There are currently around 140 unrated premises of which circa 50% will fall within the higher risk category and need inspection. Approved premises will also require inspection taking the total estimate to 74. These can be achieved within the existing officer resource (subject to the Governments Covid-19 Roadmap continuing on its current path).

4.3. Once all premises rated and entered into the revised inspection programme there will be a significant backlog of inspections that will need to take place. There are already 554 premises that will require some form of physical inspection, before the revised unrated premises have been added to the programme.

4.4. The roadmap requires an enhanced level of inspections to take place in 22/23 in order for the planned inspection programme to return in 23/24, which is likely to be a revised model.

- 4.5. The FSA have also stated that there has been a significant increase in the number of food businesses where the risks associated with them remain largely unknown as initial inspections have not been undertaken. The FSA have also stated that there is anecdotal information suggesting that there has been a general trend of reducing hygiene standards in food establishments since the onset of the pandemic.
- 4.6. The above two points may impact on delivery against the service plan in the short to medium term. This again, may require further resources, which will be monitored.
- 4.7. In response to the above, it is proposed that the need for additional resource is reviewed at the end of the summer once there is more certainty in relation to the Covid-19 road map. It is proposed that existing funding relating to the Covid-19 response would be used to cover the cost of the additional resources in the short term as this work can be aligned with Covid related activities. However, it is highly likely that additional resources will be needed in order to ensure that the Council can return to the normal inspection regime and the target of between 90-95% of routine inspections being achieved.

## **5. Recommendations**

Committee are asked to:

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

# Food, Health and Safety Work Plan - 2021/2022

Housing and *Environmental* Enforcement

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## **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.
- 1.3. 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. The food and health & safety team continues to provide the Council's response to the ongoing coronavirus pandemic in relation to advice, education and ultimately, enforcement, to both businesses and residents.
- 1.4 During this period the impact of Brexit on the service has also been managed. Whilst this has not resulted in any direct service impacts as such to date, the work area is prepared for these should they arise.

## **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**

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 retained 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 and timescales for inspections are as follows:

Category	Primary Producers	Manufacturers & Packers	Importers / Exporters	Distributors / Transporters	Retailers	Restaurants & Caterers	Totals
A (6 months)	0	0	0	0	1	3	4
B (12 months)	0	6	0	0	1	17	24
C (18 months)	0	16	0	1	8	123	148
D (24 months)	0	3	0	1	29	215	248
E (36 months)	9	7	0	33	103	330	482
Unrated	0	5	0	3	15	117	14
<b>Total</b>	<b>9</b>	<b>37</b>	<b>0</b>	<b>38</b>	<b>157</b>	<b>805</b>	<b>1046</b>

8.2. The total number of food premises is 1046 and there are currently 9 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 2021 is shown below;

FHRS Rating	Description	Number	%
5	Very Good	497	78.5%
4	Good	87	13.7%
3	Generally Satisfactory	36	5.7%
2	Improvement Necessary	1	>0.5%
1	Major Improvement Necessary	9	1.4%
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.

## 9. Service Demand

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

	2017/18	2018/19	2019/20	2020/21
<b>Total Routine Planned Food Hygiene Inspections (A to D)</b>	394	358	372	291
<b>Completed Food Hygiene Inspections</b>	307 (78%)	248 (67%)	347 (92.5%)	18 n/a
<b>Food Inspection Visits (inc abortive)</b>	336	268	401	39 (M38)
<b>Food Inspection Revisits (additional)</b>	54	47	25	4 (M24)
<b>Request for Revisit (FHRS)</b>	30	20	16	0
<b>Food / H&amp;S Complaints and Service Requests (note 2020/21 figure includes covid related complaints and service requests)</b>	409	334	354	875
<b>Service Requests Requiring a Premises Visit (additional)</b>	56	35	45	5
<b>Accident Investigations</b>	3	6	2	12
<b>RIDDOR Reports</b>	71	42	37	50
<b>Infectious Disease Reports</b>	134	74	41	23
<b>Sampling Undertaken</b>	0	0	37	4

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 2021/22 the service aims to:

- Provide advice and support to businesses and residents

- Achieve compliance with the FSA Local Authority Recovery Proposal (currently draft) in relation to food hygiene inspections
- Ensure that any high risk complaints are addressed
- Maintain a level of 97% of premises rating 3\* or above
- Continue to respond to the Covid-19 pandemic recovery as required

10.3. The Food Law Code of Practice (March 2021) 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>	6 months	4
<b>B</b>	12 months	24
<b>C</b>	18 months	143
<b>D</b>	24 months	243
<b>E</b>	36 months	321
<b>UNRATED</b>		140

10.5. The above table represents a normal routine inspection programme for the Year 2021/22 of 875. Of these, 554 require a physical food hygiene inspection, and 321 category E, are inspected via an Alternative Enforcement Strategy.

10.6. During 21/22 the FSA have set out within their Recovery Plan how they wish for the Council to approach the inspection regime. This is set out in the table below;



10.7. As a result of the above it is likely that the Council will have a significant backlog (a minimum of 554) of inspections during 22/23, which will need to be addressed.

10.8. The Food Standards Agency have also stated that there has been a significant increase in the number of food businesses where the risks associated with them remain largely unknown as initial inspections have not been undertaken. The Food Standards Agency have also stated that there is anecdotal information suggesting that there has been a general trend of reducing hygiene standards in food establishments since the onset of the pandemic. The above two points may impact on delivery against the service plan in the short to medium term. This again, may require further resources, which will be monitored ongoing.

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 2021.
- Changes to the risk rating, resulting in more frequent inspection.

10.9. 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.

10.10. 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.

10.11. 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.

10.12. 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 three authorised officers who undertake both food and health & safety related work within the Council. This equates to 2.0 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. This will increase to 3 FTE for food once the recently appointed officer has completed all competency demonstrations required to conduct food hygiene official controls

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 2021- 2026

Ledger Code Food Safety	Base Budget 20/21 £	Base Budget 21/22 £	Base Budget 22/23 £	Base Budget 23/24 £	Base Budget 24/25 £	Base Budget 25/26 £
Employees	209,000	217,700	225,700	233,300	239,500	245,700
Transport	9,100	9,100	9,100	9,100	9,100	9,100
Supplies and Services	1,400	1,400	1,400	1,400	1,400	1,400
Third Party Payments	300	0	0	0	0	0
Support Services	53,000	80,700	81,900	84,400	86,000	87,500
Customer and Client Receipts	(6,700)	(6,800)	(6,900)	(7,000)	(7,100)	(7,200)

## **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/index.htm](http://www.hse.gov.uk/services/localgovernment/index.htm)).

# 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.

