

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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## AGENDA

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

### Regulatory Committee

Thursday, 7th December, 2023 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members:**

- Councillor Jim Snee (Chairman)
- Councillor Mrs Mandy Snee (Vice-Chairman)
- Councillor John Barrett
- Councillor Eve Bennett
- Councillor Trevor Bridgwood
- Councillor Karen Carless
- Councillor Liz Clews
- Councillor David Dobbie
- Councillor Mrs Angela Lawrence
- Councillor Paul Lee
- Councillor Maureen Palmer

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 - 5)

To confirm and sign as a correct record the Minutes of the Meeting of the Regulatory Committee held on Thursday 14 September 2023.

5. **Public Reports for approval**

a) Hemswell Cliff Public Space Protection Order Review (PAGES 6 - 18)

b) Food, Health and Safety Work Plan - Mid Year Update (PAGES 19 - 25)

6. **Workplan** (PAGE 26)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Wednesday, 29 November 2023

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 14 September 2023 commencing at 6.30 pm.

**Present:** Councillor Jim Snee (Chairman)  
Councillor Mrs Mandy Snee (Vice-Chairman)

Councillor John Barrett  
Councillor Trevor Bridgwood  
Councillor Karen Carless  
Councillor Liz Clews  
Councillor David Dobbie  
Councillor Paul Lee  
Councillor Maureen Palmer

**In Attendance:**  
Andy Gray Housing & Environmental Enforcement Manager  
Kimble Enderby Senior Licensing and Community Safety Officer  
Andrew Warnes Democratic and Civic Officer

**Apologies:** Councillor Eve Bennett  
Councillor Mrs Angela Lawrence  
Councillor Roger Pilgrim

**Membership:** Councillor John Barrett substituted for Councillor Roger Pilgrim.

### 9 PUBLIC PARTICIPATION

There was no public participation.

### 10 DECLARATIONS OF INTEREST

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

### 11 MINUTES OF PREVIOUS MEETINGS

**RESOLVED** that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 15 June 2023 be confirmed and signed as an accurate record.

## **12 ABANDONED SHOPPING TROLLEYS - SCHEDULE 4: FUTURE SCHEME RECOMMENDATION**

Members gave consideration to a report which provided the results of the schedule 4 scheme consultation and which proposed the continuation of the scheme as a result.

The Council had agreed to implement the Scheme using its powers under the Environmental Protection Act 1990 and it had come into effect in August 2018 for the Gainsborough area. The scheme had been introduced to combat the persistent issue of abandoned shopping trolleys, which at the time were being collected at a rate of 30 per week. It allowed the Authority to cover the cost of abandoned shopping trolley clearance.

The issue of abandoned shopping trolleys was still present in Gainsborough and the collection rates were now averaging 12 - 13 per week. The first quarter of 2023 had seen the number fall below an average of 10 per week, a reduction of 62% since the implementation of the Scheme.

The report set out positive results from the consultation process, which include 132 responses received. 75% of respondents believed abandoned shopping trolleys were an issue in Gainsborough. 87% of respondents believed that the Council should continue the Schedule 4 scheme. 62% of respondents agreed with the proposed charges. 22% believed the charges should be higher. The report detailed responses to the consultation, and the proposed scheme tried to reflect some of the suggestions brought out during the process.

Debate ensued, and Members gave their commendation to the proposed continuation of the scheme, in improving the environment, and reducing their presence. Support and thanks were given for the public responses, to officers for their efforts, and the street cleansing team for their work.

In reply to a question on the actions of supermarkets in stopping trolleys leaving their premises, the Housing and Environmental Enforcement Manager detailed that prior to the scheme, liaison work with supermarkets failed in reducing the problem, and some of the action by supermarkets did not have enough impact. The Officer clarified that the third resolution was the Authority expressing a willingness to support the local supermarkets and being realistic with the expectations of the issue.

In response to a query about the possible expansion of the scheme to other businesses who utilised shopping trolleys, such as DIY stores, the Housing and Environmental Enforcement Manager explained that the scope of the Schedule 4 legislation specifically stated that it was for supermarkets. Normal recovery and return procedures were in place for any trolleys found by the Authority for other shops. Members learned that it was nearly all supermarket trolleys that had been recovered since the scheme started.

Having been proposed and seconded, on taking the vote, it was unanimously

**RESOLVED** that:-

- a) the results of the consultation carried out between 23rd June 2023 and 21st July 2023 be noted;

- b) the Environmental Protection Act 1990, Schedule 4 scheme relating to abandoned shopping trolleys in Gainsborough be continued and that the charges remain as shown in the schedule in appendix 1,
- c) Officers, in conjunction with the Chair of the Committee engage with the supermarkets in the area that are responsible for the largest volume of abandoned trolleys to ensure that they are aware of the outcome of the consultation and are taking steps to reduce the impact locally; and
- d) the scheme be reviewed again by committee in 5 years' time, during 2028 and that an annual update be provided to Chair's Brief from 2024 onwards.

### 13 WORKPLAN

The Chairman invited the Democratic and Civic Officer to highlight the workplan. The Officer explained that the current workplan featured reports currently scheduled for the Committee's consideration.

With no comments or questions, the Workplan as set out in the report was **NOTED**.

The meeting concluded at 6.44 pm.

Chairman

# Agenda Item 5a



**Regulatory Committee**

**Thursday 7<sup>th</sup> December  
2023**

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

Report by:

Director of Change Management, ICT and  
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 an update on the Hemswell Cliff  
Public Space Protection Order (PSPO) and seek  
approval to consult upon its extension.

## **RECOMMENDATION(S):**

### **Committee are asked to:**

- a) Approve the proposal to consult upon the extension of the Hemswell Cliff Public Space Protection Order.
- b) Approve that the consultation will take place between the 3<sup>rd</sup> of January and the 4<sup>th</sup> of February 2024.
- c) Request that the results of the consultation and a final proposal for the PSPO are brought to Regulatory Committee on 14<sup>th</sup> March 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/104/24/SL**

There is a cost associated with the consultation exercise (primarily staff time) and any publicity that is required. These will be met from existing service budgets.

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

### **Staffing :**

Staff time will be required to support the consultation process, however most of the responses are provided online. The impact of this is minimal.

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 :**

Not applicable.

**Climate Related Risks and Opportunities:**

Not applicable

**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, 10<sup>th</sup> June 2021, item 7 Hemswell Cliff PSPO

<https://democracy.west-lindsey.gov.uk/documents/s24417/Hemswell%20Cliff%20Public%20Space%20Protection%20Order.pdf>

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

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=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.



**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 Hemswell Cliff Public Space Protection Order (PSPO) was extended for a three-year period on 14<sup>th</sup> June 2021 and is due to expire on 13<sup>th</sup> June 2024. The PSPO originally came into effect on the 4<sup>th</sup> June 2018. This paper sets out the process that the Council intends to undertake to review it and determine its future.
- 1.2 The impact of the issues experienced at Hemswell Cliff have been well documented and it is still an area of the district which the Council classifies as a vulnerable community. Alongside this the Council has also invested in CCTV to assist with the overall management of the designated area.
- 1.3 This report proposes that the existing PSPO is extended for an additional three years and seek approval for consultation with the community to be undertaken to inform this.

## **2 Legal Position**

- 2.1 PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. Orders can be extended and varied under sections 60 and 61 of the Act.
- 2.2 These Orders can be made on any land open to the air that the public has a right or entitlement of access to
- 2.3 To make an Order, the local authority needs to be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
  - Have had, or are likely to have a detrimental effect on the quality of life of those in the locality
  - Is, or is likely to be persistent or continuing in nature
  - Is, or is likely to be unreasonable
  - Justifies the restrictions imposed

## **3 Context**

- 3.1 Hemswell Cliff is made up of mainly ex Ministry of Defence properties and the majority of land within the residential area is privately owned by a management company who are also responsible for various parts of the highway and infrastructure.
- 3.2 The initial designation of the PSPO took place when the area was experiencing a particular issue with Anti-Social Behaviour that commenced in 2016. There are a number of factors that have contributed to this, namely; a relatively transient group of people who occupy private rented sector properties; poorly managed private rented sector properties; poor management of shared land and highways; a high proportion of vulnerable persons or persons who require agency intervention.

3.3 Since its initial approval, the Council has installed (with partners) additional CCTV within the area and there is now a designated policing resource for the area. The Council have also taken steps to assist with the management of the land and have supported community to ensure that the Hemswell Residents Company (HRC) operates effectively and deals with some of the more local land-based issues.

3.4 The PSPO seeks to prohibit the following activities:

- No domestic or farm animals may be grazed or kept on the land, whether under tether or within a cage, or freely roaming
- Burning and bonfires are banned unless arranged by or with the written permission of the local authority
- 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
- 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
- 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

#### 4 Current Position

4.1 The current PSPO has been in place since 2018 and was extended for three years in 2021. There have been two fixed penalties issued for parking offences since 2021.

4.2 Since 2021 there have been the following level of reporting against its restrictions:

Type	Volume
cars/vehicles parked on green space	2
Structures left on green space (padding pool and trampoline)	0
Animal grazing/loose animals	1
Bonfires	0
Incidents of unauthorised encampments	2

4.3 Alongside the PSPO the following reports have been made in relation to Hemswell Cliff

Type	Volume
Waste on private property	9
Intimidation Harassment	3
Nuisance Location	1
Littering	1
Animal Related	1
Abandoned Vehicles	4
Nuisance premises	2
Noise Nuisance	13
Fly-tipping	4

4.4 Officers have carried out proactive patrols of the designated area, as required This is interspersed with visits relating to any of the specific reports above. Other officers who do not enforce the PSPO are also aware of its requirements and report any issues for follow up to the enforcing officers.

4.5 A designated rural patrol is conducted twice each month, which includes other rural areas of the district. These average 2 hours per visit and on 5 occasions during the period these have been undertaken with the Police.

4.6 A specific piece of work was undertaken to address the issues in relation to vehicles parking on grassed areas, which has resulted in the issue abating. It was felt that approaching this directly with vehicle owners and discussing its impact was a proportionate approach and seems to have had the right result to date.

4.7 There have been incidents relating to persons occupying caravans within the designated area and these have been dealt with utilising the Council's powers for planning enforcement and illegal encampments, in conjunction with that of the PSPO. Officers are proactive in addressing issues such as this as they arise and seek to understand the intentions of any occupants in the first instance.

4.8 During the period of time that the PSPO has been in place the following reports of ASB have been made to the Police in relation to the area:

Period	Volume of ASB Reports to Police
2018	105
2019	7
2020	32
2021	21
2022	20
2023 (Up to end of Oct 23)	9

4.9 There has been a significant decrease in the number of reports made to the Police since the PSPO came into effect. Whilst the PSPO alone

cannot be solely responsible for this, it is clear that along with the other measures put in place it has had a positive impact.

## **5 Other Considerations**

- 5.1 At its inception, the PSPO was aimed at addressing certain issues and to make clear to the residents within the area that there were restrictions in place for some of the activities that had been occurring previously. The HRC is now much more proactive in addressing any concerns and raising them with the relevant owners or agencies.
- 5.2 The installation of CCTV has been seen as a positive step for the community, however there is some conflict in relation to use of the CCTV to address PSPO matters. The targeted use of CCTV is not appropriate for fixed penalty offences of this nature, much in the same way as it would not be appropriate to target its use it for matters such as dog fouling. The CCTV is primarily in place to detect crime and ASB that would not be remedied using the PSPO.

## **6 Proposed Extension**

- 6.1 Given the above information and on the basis that the PSPO has acted as an effective tool for managing some of the broader issues in relation to Hemswell Cliff it is proposed that the PSPO be extended for an additional three years.
- 6.2 The Council wishes to consult with the public on this matter to establish the level of support in relation to the proposals and to understand whether any improvements can be made to the PSPO.

## **7 Consultation**

- 7.1 The legislation requires that a minimum 30 days of consultation is carried out where appropriate. Given that this is a proposed extension to an existing PSPO 30 days is deemed sufficient.
- 7.2 Should approval be given to consult, the following timeline will apply:

Date	Action
7 <sup>th</sup> Dec 23	Consultation agreement to be sought from Reg. Cttee.
3 <sup>rd</sup> Jan 24	Commence consultation
4 <sup>th</sup> Feb 24	Consultation closes
19 <sup>th</sup> Feb 24	Final proposal to Management Team
14 <sup>th</sup> Mar 24	Final Proposal to Reg. Cttee
14 <sup>th</sup> Jun 24	PSPO to be extended (subject to approval)

- 7.3 A copy of the extension notice is shown in Appendix 1. The original order along with the extended and varied order will be made available on the Council's website.
- 7.4 A draft of the proposed order and a list of frequently asked questions will be made available online during the consultation period. The FAQs are shown in appendix 2.

7.5 There are a wide range of statutory consultees, including Parish Councils that will be advised of the consultation. The consultation forms themselves will be online and paper copies will be made available if requested.

**END**

## WEST LINDSEY DISTRICT COUNCIL

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

Notice is hereby given that West Lindsey District Council (“the Council”) in exercise of its powers under section 59 of the above Act and under all other enabling powers, proposes to make an order to extend the current PSPO relating to Hemswell Cliff:

- The order will cover the whole district of West Lindsey (subject to any exceptions in line with the legislation).
- The order requires 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

Failure to comply will be an offence with liability to a fine up to a maximum £1000 or prosecution.

The public consultation for the proposed extension will take place between the 3<sup>rd</sup> of January and the 4<sup>th</sup> of February 2024.

The draft of the proposed order is published on the Council website here <https://www.west-lindsey.gov.uk/council-democracy/public-notice> or can be viewed in reception at the Guildhall, Marshalls Yard, Gainsborough.

If you wish to make representations concerning the proposed order, you should make queries in writing to the ASB Team at WLDC, Guildhall, Marshalls Yard, Gainsborough DN21 2NA or by email to [ASBTeam@west-lindsey.gov.uk](mailto:ASBTeam@west-lindsey.gov.uk). Comments should be submitted by the 6<sup>th</sup> of June 2023.

The responses will determine whether the PSPO is made, and whether the proposed conditions will be agreed, amended or removed.

Please note that all representations may be considered in public by the Council and could become available for public inspection.

Dated this day 15<sup>th</sup> December 2023

### Map of area designated under Public Space Protection Order



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## **Appendix 2**

### **Consultation on Extension of Hemswell Cliff Public Space Protection Order**

#### **Frequently Asked Questions**

##### **What is a PSPO?**

Public Space Protection Orders (PSPOs) relate to activities taking place which are or may be detrimental to the local community's quality of life.

##### **What does the PSPO involve?**

The order prohibits the following activities on the land that it applies to:

- The grazing of domestic or farm animals
- Burning and bonfires
- The placing of structures or equipment including tents, marquees and playground equipment
- The parking of vehicles on certain parts of the land
- The driving of vehicles on certain parts of the land

##### **How will the PSPO be enforced?**

Any individual observed by an authorised officer breaching the PSPO will be issued with a fixed penalty notice of £100. Regular patrols of the designated area will be undertaken by enforcement officers. Residents will be able to report issues relating to the PSPO to the Council, who will then consider them.

##### **How will the enforcement work in practice?**

Any officer enforcing the PSPO will take a common sense approach and base this on the risk to the public. For example, we may choose to approach persons and ask them to address the issue instead of issuing a fixed penalty notice.

##### **Is there signage notifying that the PSPO is in place?**

Yes, there is clear signage within the designated area and this can be increased or replaced as required.

##### **Can the PSPO deal with caravans?**

Where a caravan is parked on the highway, within a property curtilage or in a car parking area, it is not within the scope of the PSPO. If a caravan is being lived in, in these areas, that matter can be reported to the Council, but is again, not within the scope of the PSPO. Caravans that are sited on public land (i.e., communal spaces) are generally within the scope of the PSPO.

##### **Can you use CCTV to enforce the PSPO?**

Generally not. The Council will not use the CCTV to carry out surveillance for PSPO related issues, this is not deemed a proportionate use of the CCTV facility. Should the CCTV present a PSPO related issue, this will be considered by officers and a decision on its progression made in line with the Council's enforcement policy.

**Which areas of land does the PSPO cover?**

The map below sets out the designated area. The PSPO does not extend across the A631



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**Regulatory Committee**

**Thursday 7<sup>th</sup> December  
2023**

**Subject: Food, Health and Safety Work Plan - Mid Year Update**

Report by:

Director of Change Management, ICT &  
Regulatory Services

Contact Officer:

Andy Gray  
Housing & Environmental Enforcement Manager  
  
andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To provide Regulatory Committee with a mid-year update on food hygiene inspections.

**RECOMMENDATION(S):**

Committee are asked to:

- a) Receive the update report, as requested by Committee at their meeting on 15<sup>th</sup> June 2023 to update on current progress against the food, health and safety work plan 2023/24.
- b) Agree that further updates are provided to the Chair and Vice Chair of Committee at Chairs Brief for the remainder of 23/24.

## IMPLICATIONS

### **Legal:**

The Council is required to complete a Food, Health and Safety Work Plan annually and it is completed in line with the Food Standards Agency Framework Agreement.

The Council has a statutory obligation to ensure that it meets the requirements of the framework agreement and any other such plans produced by the Food Standards Agency such as the current recovery plan.

### **Financial : FIN/99/24/SL**

There are no financial implications arising from this report.

### **Staffing :**

The report refers to the current staffing situation within the service in terms of its ability to meet the statutory requirements. There are no staffing implications within the report.

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

None noted.

### **Data Protection Implications :**

None noted.

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

None 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 service 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.

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

Food Health and Safety Work Plan 2023/2024

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=262&MIId=3438&Ver=4>

**Risk Assessment :**

See section 4 of the report

**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

X

No

## **1. Introduction**

- 1.1. At its meeting on Thursday 15<sup>th</sup> June 2023, Regulatory Committee approved that an update on performance against the Food Standards Agency inspection regime be submitted to the Committee in December 2023 in order that the Committee has assurance on what progress has been made. The original committee paper can be found in the background papers section of this report.
- 1.2. This report seeks to provide that update and give reassurance to committee in regard to the Councils current position.

## **2. Background**

- 2.1. The 2023/24 food, health and safety work plan identified that 228 food premises would require a physical inspection within that year. The plan also outlined that the Food Standards Agency (FSA) had stated that there had 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. This situation arose as a result of the amended inspection regime during the Covid -19 pandemic. Alongside this the FSA have suggested that there is anecdotal evidence that hygiene standards in food premises have generally reduced since the onset of the Covid-19 pandemic and the response to re-opening premises.
- 2.2. It was noted that these two points may impact on delivery against the work plan in the short and medium term and that further resources may be required to deal with this.
- 2.3. Alongside the usual inspections, there is also an anticipated 20% to 30% increase on planned inspection numbers. This is due to inspections undertaken that are not part of the routine programme (i.e., reinspection's) or because of complaints from the public or where an additional paid for visit is requested. Therefore, it is estimated that the true total food inspection programme figure, comprising of routine planned and unplanned inspections is more likely to be in the region of 274 and 296 inspections.
- 2.4. The work plan also identified that with the existing resources in place (including the current fixed term resource, which ceased in June 2023), that with the reduced staffing capacity there may be a challenge in meeting the level of inspections required and requested in 23/24 .

## **3. Current Position**

- 3.1. As of the end of September 2023, 111 planned inspections have been undertaken, totalling 49% of the overall 228. In addition to this, a further 27 unplanned inspections have been undertaken, resulting in a total of 138 inspections overall.

- 3.2. In June 2023, the work area undertook proactive food hygiene enforcement checks at the Lincolnshire Showground on the days prior to and during the Lincolnshire Show. These were undertaken to ensure that the major catering establishments were compliant with food law and good practice. Approximately 71 spot checks were undertaken where food hygiene and health and safety issues were considered. Officers were also visible throughout the period of the show and provided advice and guidance to businesses as required. It is estimated that there are around 150 food businesses on site during the show.
- 3.3. One officer that was contracted on a fixed term basis left the authority at the end of their contract in June 2023 when the funding was no longer available. A second officer on a minimal hour's casual contract, will remain with the Council until the end of January and is focussing on inspecting premises that are open at weekends or evenings. These resources delivered 50% of the inspections undertaken in quarter 1 of 23/24.
- 3.4. Alongside this, one of the existing Environmental Health Officers is due to leave the Council at the end of December 2023. Recruitment is currently being undertaken for their role, however this will mean that there may be an interim reduction in resources available for food controls, until such time as they are appointed. There is also no guarantee that recruitment will be successful and if it is not, there may be a need to bring in an agency or fixed term staff member for a short period of time.

#### **4. Service Risks**

- 4.1. In the report presented to Regulatory Committee on the 15<sup>th</sup> of June 2023, the following service risks were identified.
- 4.1.1. Increased likelihood that the inspection target of 90% may not be maintained consistently over 23/24.
  - 4.1.2. Fluctuating inspection numbers which could result in increasing volumes for 24/25
  - 4.1.3. Additional demand on Senior Environmental Health Officers reducing availability to complete inspections.
- 4.2. In 23/24, the target of 90% should be broadly achievable, given that nearly 50% of inspections had been completed by the end of September 2023. This is caveated by the current recruitment situation, which may impact upon this overall figure.

To mitigate the risk cited in 4.1.1.

- The measure is recorded within progress and delivery and monitored by officers monthly.
- Depending on recruitment, a temporary resource may be required to ensure that the service stays on target to achieve the required number of inspections. This will be dealt with in line with the existing officer delegations and recruited to accordingly if needed.

- The Council will need to balance the resources it puts into its health and safety obligations versus its food hygiene inspections, dependant on risk.

4.3. In 24/25 it is estimated that between 418 and 437 (90% totals 376 to 393) inspections will be due. These figures are based on the routine planned inspections, 25 to 30% of additional unplanned inspections and the estimated shortfall from 23/24. This is an increase from 23/24 and will present a significant challenge in terms of the council's ability to achieve it, within the current staffing resources. Over 400 inspections were achieved in 22/23, however there was an additional 1 FTE in place via an agency for the duration of this period, which was funded via the Covid Outbreak Prevention Grant.

4.4. Failure to achieve the required level of inspections could result in intervention from the FSA who would initially ask for a plan of action in relation to how any backlog would be overcome, and inspection numbers increased.

To mitigate the risk cited in 4.1.2.

- A further estimated number of inspections will be undertaken as of the 1<sup>st</sup> of January 2024 to determine the up-to-date position. This will ensure that any shortfall from 23/24 is up to date and accurate.
- Should the initial recruitment process not be successful or be delayed due to notice periods, approval will be sought for a temporary resource within the service.
- Further work within the service, in light of the Together 24 (T24) service review, will be undertaken to look at whether there is scope to increase the number of FTEs in order to ensure that the statutory targets can be met. (The T24 work undertaken is a corporate programme of business improvement work taking place across the Council).
- The service will consider reducing the amount of the non-statutory inspecting work to ensure that the statutory requirements can be met.
- The T24 service review also recommended that new ways of working be explored for the support officer function, which include opportunities to divert tasks and support succession planning.
- The timescales for implementing any T24 improvements will be considered in line with the resources available and any support required from the Change Support Team understood as part of this process, including the provision for the backfill of any capacity lost.
- The existing role of the team's support officer will be reviewed to look at whether any capacity can be released to support the number of inspections required as well as supporting their EH training.
- The service will continue to provide the FSA with its "temperature check" on a twice-yearly basis, within which any resource risks which may impact on the Council's ability to achieve the required inspection numbers are detailed.



4.5. The additional demands on Senior Environmental Health Officers remain and the inspection numbers being achieved by these are limited due to this. This situation may improve, depending on the outcome of any recruitment process. For example, if an experienced EHO is employed, they will require less support than a graduate looking to become qualified.

4.6. It is clear from the inspection figures and along with audit and review work undertaken previously that the service needs a minimum of 3 FTE inspecting officers to meet the statutory requirements. Currently, given the risk cited above, the Council do not have this capacity.

To mitigate the risk cited in 4.1.3.

- The recruitment process may ensure that an experienced EHO is employed on a permanent basis, which may mitigate this risk.
- The T24 review also recommended that new ways of working be explored for the support officer function, which include opportunities to divert tasks and support succession planning.
- Further work is also required on succession planning as highlighted within the T24 service review.

## **5. Summary and Next Steps**

5.1. It is clear that there will be a significant challenge for the service to meet the estimated number of inspections required in 24/25 within the existing resources that are available. The current recruitment process will further determine the Council's ability to do this and an outcome on this should be understood by the middle of November 2023.

5.2. A range of mitigating actions have been identified to assist with the risks that are present within the service, and these will be explored and delivered by officers accordingly.

5.3. It is suggested a further update is provided to Management Team and Committee as part of the development of the 24/25 food, health and safety work plan.

5.4. Alongside this, should any staffing resources be required, these will be requested via the usual approval channels following on from the recruitment process that is underway.

**END**

**Regulatory Committee Workplan as at 29 November 2023**

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**Purpose:**

This report provides details of reports and items due at the Regulatory Committee scheduled for the upcoming meetings of the Committee.

**Recommendation:**

1. That Members note the content of the workplan.

Date	Title	Lead Officer	Purpose of the report
<b>7 DECEMBER 2023</b>			
7 Dec 2023	Hemswell Cliff Public Space Protection Order Review	Andy Gray, Housing and Environmental Enforcement Manager	To provide an update on the Hemswell Cliff Public Space Protection Order (PSPO) and seek approval to consult upon its extension.
Dec 2023	Food, Health and Safety Work Plan – Mid Year Update	Andy Gray, Housing and Environmental Enforcement Manager	To update the Committee on the work plan noted at the 15 June 2023 meeting
<b>14 MARCH 2024</b>			
14 Mar 2024	Hemswell Cliff Public Space Protection Order Decision	Andy Gray, Housing and Environmental Enforcement Manager	To make a decision on Hemswell Cliff Public Space Protection Order (PSPO) following the consultation.
<b>6 JUNE 2024</b>			
6 June 2024	<i>Food, Health and Safety Work Plan 2024/25</i>	<i>Andy Gray, Housing and Environmental Enforcement Manager</i>	<i>To update the Committee on the work plan for the 2024/25 electoral year</i>
<b>12 SEPTEMBER 2024</b>			
12 Sep 2024	<i>Pavement Licenses – Review of Sub delegation</i>	<i>Andy Gray, Housing and Environmental Enforcement Manager</i>	<i>To review and update on the existing sub-delegation to Lincolnshire County Council.</i>

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