

Guildhall Gainsborough Lincolnshire DN21 2NA Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Regulatory Committee Thursday, 14th March, 2024 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 Liz Clews Councillor David Dobbie Councillor Mrs Angela Lawrence Councillor Paul Lee Councillor Maureen Palmer Councillor Baptiste Velan

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.

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

Large Clear Print: Braille: Audio: Native Language

4. Minutes of Previous meeting(s)

To confirm and sign as a correct record the Minutes of the Meeting of the Regulatory Committee held on Thursday 7 December 2023.

5. Public Reports for approval

i) Hemswell Cliff Public Space Protection Order Decision (PAGES 6 - 19)

6. Work Plan

(PAGE 20)

Ian Knowles Head of Paid Service The Guildhall Gainsborough

29 February 2024.

(PAGES 3 - 5)

Agenda Item 4

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 7 December 2023 commencing at 6.30 pm.

Present:	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
In Attendance:	
Andy Croy	Housing & Environmental Enforcement Manager

Andy Gray Andrew Warnes Housing & Environmental Enforcement Manager Democratic and Civic Officer

14 PUBLIC PARTICIPATION PERIOD

There was no public participation.

15 **DECLARATIONS OF INTEREST**

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

16 MINUTES OF PREVIOUS MEETINGS

RESOLVED that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 14 September 2023 be confirmed and signed as an accurate record.

17 HEMSWELL CLIFF PUBLIC SPACE PROTECTION ORDER REVIEW

Members considered an update on the Hemswell Cliff Public Space Protection Order and a request for a consultation on extending the Order. The current Public Space Protection Order (PSPO) was due to expire in June 2024, and officers detailed that there was a strong justification for its extension. This paper set out the process the Council intended to undertake to review the PSPO and determine its future.

Members heard that the impact of the issues experienced at Hemswell Cliff had been well documented, and it was still an area of the district which the Council classified as a vulnerable community. The Council had also invested in CCTV to assist with the overall management of the designated area.

The report proposed that the existing PSPO be extended for an additional three years and sought approval for consultation to be undertaken with the community to inform this extension. The report included a copy of the notice and a list of the frequently asked questions which was to be distributed in the communication plan for the consultation.

Members of the Committee were invited to comment, and debate ensued. Members enquired about other PSPOs in the district that had not been renewed, such as the Trinity Arts Centre PSPO and the Cemetery PSPO. The Housing and Environmental Enforcement Manager explained that the decision to end those specific PSPOs had been made by the Regulatory Committee, based on the information presented at the time. He highlighted the different processes required for either the conclusion of a PSPO or an extension, with the latter requiring public consultation prior to a final decision being made by the Committee.

In a follow-up statement on a related comment about the process, the Housing and Environment Enforcement Manager explained the commencement of PSPOs was evidence based, such as submitted reports from Members, organisations, and the public. Members were invited to report any concerns and issues, as there was the opportunity for reports to be brought to the Regulatory Committee for Members to determine the way forward.

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

RESOLVED that:-

- a) the proposal to consult upon the extension of the Hemswell Cliff Public Space Protection Order be approved; and
- b) the consultation to take place between 3 January 2024 and 4 February 2024 be approved; and
- c) the results of the consultation and a final proposal for the PSPO be brought back to Regulatory Committee on 14 March 2024.

18 FOOD, HEALTH AND SAFETY WORK PLAN - MID YEAR UPDATE

Members considered the Food, Health and Safety Work Plan 2023/24 Mid Year Update. It was highlighted that at its meeting in June 2023, the Regulatory Committee resolved that an update on the performance against the Food Standards Agency inspection regime be submitted to the Committee in December 2023, so the Committee was assured of what progress had been made. The original committee paper was provided as a background paper.

It was explained that as of the end of September 2023, 111 planned inspections had been undertaken, totalling 49% of the overall 228. In addition, a further 27 unplanned inspections

had been launched, resulting in a total of 138 inspections overall. Members heard a further update, in that this figure had since increased, with 67% of the overall planned inspections having been conducted by the end of November 2023. The Officer also updated Members on staffing changes within the team, with another experienced inspector due to start in February 2024.

Members learned of the risk in 2024/25, with between 418 and 437 inspections due. These figures were based on the routine planned inspections, 25 to 30% of additional unplanned inspections and the estimated shortfall from 2023/24. This was an increase from 2023/24 and would present a significant challenge in terms of the council's ability to achieve those levels within the current staff resources. Additional temporary resources would be required, with recruitment-focussed work due to be undertaken.

Members of the Committee were invited to comment, and debate ensued. Members enquired as to current staffing practice and the inspectors' operational work. It was noted that arrangements to use staff from nearby local authorities were possible, and coastalbased authorities had contracts for high-traffic points of the year. Members learned the challenge was to meet 90% of the target visits, and there was a significant challenge in the recruitment from a small pool of qualified individuals.

There was discussion regarding the use of agency staff, with the importance of business continuity emphasised. Members heard that it was common for Local Authorities to use agency staff in this way to maintain service provision and whilst there was a limited pool of suitable workers, there had been no issue in securing agency staff when needed. In response to a question about the certification needed for employees of premises under inspection, Members learned the checks formed part of the inspector's work.

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

RESOLVED that: -

- a) the report, as requested by Committee at their meeting on 15 June 2023 to update on current progress against the food, health and safety work plan 2023/24 be received; and
- b) further updates to the Chair and Vice Chair of Committee at Chairs Brief for the remainder of 23/24 be agreed.

19 WORKPLAN

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

The meeting concluded at 6.59 pm.

Chairman

Agenda Item 5a



Regulatory Committee

14th March 2024

Subject: Hemswell Cliff Public Space Protection Order - Extension				
Report by:	Director - ICT, Change Management and Regulatory Services			
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:

 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 14th June 2024 to 13th June 2027

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/151/24/RC/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

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 :

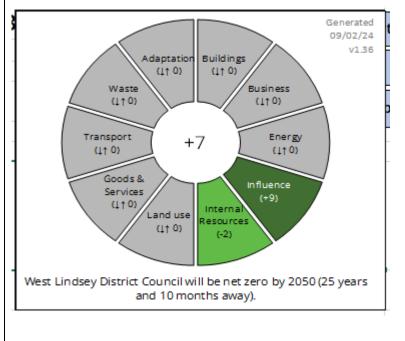
None noted

Climate Related Risks and Opportunities:

The below CESIA wheel identifies that the PSPO at Hemswell Cliff is likely to have a positive influence on the communities and individuals within it. It will also demonstrate to the residents of the wider district that the Council has these sorts of tools available and can utilise them where appropriate.

The CESIA also shows that the PSPO does have a demand on internal resources as it will require monitoring within its specific geographic area.

More specifically, the scheme will also help to ensure that matters such as burning of waste and depositing of waste are done in a more responsible manner due to the presence of the PSPO and enhanced officer presence at the area.



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 rational 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, 10th June 2021, item 7. Report on Hemswell Cliff PSPO extension <u>https://democracy.west-</u>

lindsey.gov.uk/documents/s24417/Hemswell%20Cliff%20Public%20Space%20 Protection%20Order.pdf

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

https://democracy.west-

lindsey.gov.uk/ieListDocuments.aspx?CId=262&MId=2434&Ver=4

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&MId=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	x

1. Introduction

- 1.1. On the 7th December 2023, 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. The paper included information that provided an overview of the situation within the PSPO area over the course of the previous 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 on the area.
- 1.3. The consultation for this took place between the 3rd of January and the 4th of February 2024. This report sets out the results of that consultation and makes a recommendation in regard 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 7th of December 2023 to Regulatory Committee.
- 2.2. The report provided an overview of the current situation in regard 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. Hemswell Cliff is made up of mainly ex Ministry of Defence properties and most of the land within the residential area is privately owned by a management company who are also responsible for various parts of the highway and infrastructure.
- 2.4. 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.
- 2.5. 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.

2.6. The current PSPO has been in place since 2018, was extended in 2021 and expires on the 13th of June 2024.

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

- 4.1. The consultation on the extension of the PSPO took place between the 3rd of January and the 4th of February 2024. The consultation took place in the form of a survey, which was placed on the Council's website.
- 4.2. Public notices were produced for the PSPO extension. These have been available to view on the Council website.
- 4.3. The consultation was also advertised via its social media channels and website, the local Parish Council, through direct contact with statutory consultees.

5. Consultation Results

- 5.1. The full results from the online form are shown in appendix 1, these can be summarised as follows:
- 50 responses were received via the online form. This was double the number of responses received in 2021.
- Most respondents were either residents of Hemswell Cliff or visitors to the business park.
- 81% of respondents felt that anti-social behaviour or environmental issues were still a problem.
- Waste and litter (45%) and parking (28%) were cited as the main issues by respondents.
- 92% 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;
- Feeling that the environment needs to develop further and that it has been left for too long without investment.
- Issues seem to have reduced over the years, particularly in relation to grazing horses.
- Strongly feel the PSPO needs to stay in place to ensure issues do not return.
- More efforts needed from the enforcement officers to follow up on parking issues.

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 7th December 2023 demonstrate that the above conditions are met.
- 6.4. A copy of the proposed order is shown in appendix 2. This order will be made available on the Council's website.

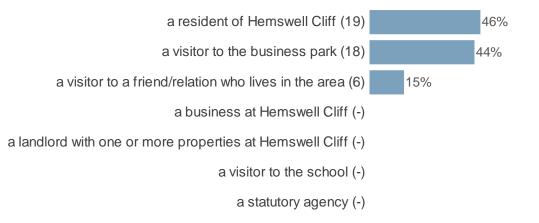
END

PSPO Hemswell 2024

This report was generated on 05/02/24. Overall 50 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'. A total of 50 cases fall into this category.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

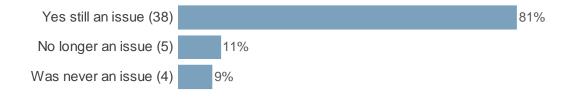
Are you? Please tick all that apply



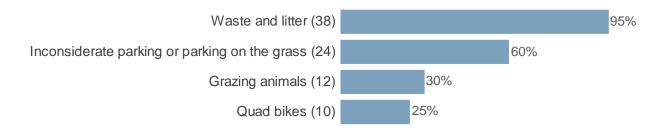
Other (Please state)

wldc resident
a concerned member of the public
West Lindsey Citizen Panel member
resident of Gainsborough
Panel menber
none
The use of untaxed or insured vehicles on site is very prevalen
Only go to the antique shops there
I visit the antique centres quite regularly but I don't live there.
Panel survey email

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



If yes to question 2, what is the issue? **Please tick all that apply (**If yes to question 2, what is the issue? **Please tick all** ...)



Other (Please state)

Children being antisocial (the new generation of) no lights on bike, summer is worst for quads Derelict vehicles and industrial litterblot the landscape.

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



Any other comments you wish to make about the consultation?

I strongly feel the PSPO needs to stay in place. There is such a high level of inadequate landlords letting out poorly maintained properties to undesirable without the PSPO in place the estate would become a dangerous place to live.

This is a good thing & should be extended as the problems are still there if reduced.

Really important that the issues of animals grazing and other inappropriate issues do not return.

I do believe that more efforts are needed from the PSPO team to ensure that the inconsiderate parking issues are actually dealt with. How many fines have been given and followed up??? HRC have added extra parking at a high cost to the homeowners and managed to get a grant for some parking in louisburg rd, however some areas still look like a caravan storage area and Minden place exit to capper avenue still has vehicles that park on opposite side that make it impossible to exit sometimes leaving no room for emergency vehicles. When mentioned to vehicle owners met with very aggressive behaviour. 5/7 louisburg rd constantly blocking the path area with vehicles or rubbish. Seems to be a collection of waste at the entrance to estate directly under the cameras on numerous occasions.

Yes because sadly some houses are not learning. Fast driving on capper avenue, and this happens when children are walking for school bus. Not picking up dog poo. Children winding up dogs in peoples gardens making dogs bark and then anxious. Drugs is a major issue here with the children. One house on luisburg (one family) constantly fly tip in broad daylight, ignore parking guidelines etc, they patently go out their way too. Very anti social. That's just one example. As a paying shareholder I feel powerless it's not fair. Some fantastic households here, yet are a dumping ground for troubled family's being put here.

fthe protection of the environment continues to be relevant

As a infrequent visitor to the antiques centre at Hemswell, I have noted litter, usually post car boot sale/market. I feel this survey should be focused on residents and more regular visitors/workers to the location for a more accurate and honest review.

Any other comments you wish to make about the consultation?

I feel the Cliff environment needs to be developed further to enhance its draw as an antiques centre for people from all areas of the country and abroad. It has no kerb appeal and has a very run down neglected feel to the whole site. If the order is removed would this present an opportunity to make better use of the land? The site is located on a main route to the Humber and the east coast of Lincolnshire. It has been left for too long without investment. If removal of the order allows for development of the site as a business/antique centre hub to rival others in the country it would be really positive for WLDC and Lincolnshire as a whole.

Extend the order and protect the environment and the area from what could easily become bad again should the order lapse

I just hope that RAF Scampton does not go the same way as Hemswell has. The Carboot fraternity does not do the site any favours, entry and exit signage needs to be more concise and more visible to users particularly in the area defined by the red line on the map, It is not very clear that it is a oneway system, which it should be, is in operation, There are more and more large heavy goods vehicle visiting manufacturing sites. We must never forget what went on at RAF Hemswell either it should be considered when giving out consents to use of some of the buildings.

No

I do not visit Hemswell Cliff often nor do I know enough about the Hemswell Cliff and the matters relating to this survey for me to comment.

Whilst, not a local resident, I use the Antique Centre on a regular basis. Moreover, any improvement to the subject area is to be welcomed, particularly the ex RAF technical site which is in a ghastly state

Issues seem to have reduced over the years, particularly with unattended grazing horses, it would be good if this could continue.

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 2024.

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 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 which 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
 - 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 14th June 2024 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 2024

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

Authorised Officer

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
14 MARCH 202	24		
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.
හ <u>ි JUNE 2024</u>			
♥ June 2024 №	Food, Health and Safety Work Plan 2024/25	Andy Gray, Housing and Environmental Enforcement Manager	To update the Committee on the work plan for the 2024/25 electoral year
12 SEPTEMB	ER 2024		
12 Sep 2024	Pavement Licenses – Review of Sub delegation	Andy Gray, Housing and Environmental Enforcement Manager	To review and update on the existing sub-delegation to Lincolnshire County Council.