



To be submitted to the Council at its meeting on 27th July 2023

JOINT MEETING OF THE ECONOMY SCRUTINY PANEL AND THE COMMUNITIES SCRUTINY PANEL

2nd March 2023 at 6.30 p.m.

Present:

Councillors Batson, Brookes (substitute for Freeston), Cairns (substitute for Reynolds), Callison, Dawkins, Lindley, Parkinson (substitute for Smith), Pettigrew, Sandford, Shutt, K. Swinburn and Westcott.

Officers in attendance:

- Simon Jones (Assistant Director Law and Governance)
- Neil Clark (Head of Regulatory and Enforcement Services)
- Lisa Logan (Head of Open Spaces)
- Kath Jickells (Assistant Director, Environment)
- Joanne Paterson (Scrutiny and Committee Advisor)
- Sophie Pickerden (Scrutiny and Committee Support Officer)

Also in attendance:

- Councillor Shepherd (Portfolio Holder for Safer and Stronger Communities)
- Councillor S Swinburn (Portfolio Holder for Environment and Transport)
- Councillor Furneaux (Portfolio Holder for Tourism and Visitor Economy)
- Councillor Sophia Farren (Ward Councillor for Sidney Sussex)
- Chief Superintendent Caroline Andrews (Humberside Police)

There was one member of the public present and no members of the press present.

JSPCTVE.1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor Dawkins be appointed Chair for this joint scrutiny meeting.

COUNCILLOR DAWKINS IN THE CHAIR

JSPCTVE.2 APOLOGIES FOR ABSENCE

Apologies for absence for this meeting were received from Councillors Aisthorpe, Freeston, Mickleburgh, Reynolds, Smith, Wheatley and Wilson.

JSPCTVE.3 DECLARATIONS OF INTEREST

There were no declarations of interest from members in respect of any items on the agenda for this meeting.

JSPCTVE.4 INTRODUCTION OF RESORT PUBLIC SPACE PROTECTION ORDER

The panel considered a report that detailed the proposed Public Space Protection Order (PSPO) restrictions and prohibitions.

Mr Clark introduced the report and set out the background to the report. He explained that public consultation had now been undertaken and that the findings were outlined in the report.

The panel discussed each of the proposed PSPO restrictions and prohibitions and in particular expressed support for the prohibition outlined in section 1.22 of the report.

A member queried the prohibition outlined in paragraph 1.23 of the report and wished to clarify whether yellow lines existed already. Councillor Shepherd stated that the yellow lines were not enforceable under the PSPO legislation, the reasoning behind the prohibition being put in place. A member queried how this would affect boats accessing the slipway. Ms Logan stated that boat users had access to a key, allowing them to drive onto the slipway.

A member asked whether the prohibition outlined in paragraph 1.24 of the report included those people that used tents and potential rough sleepers and further asked whether bedding and tents could be moved. Councillor Shepherd confirmed that the prohibition was for illegal encampments on all council land and stated that officers were not permitted to remove people's belongings as this was classified as theft. However, he assured the panel that officers worked with Harbour Place to tackle rough sleeping. Mr Clark stated that the National Guidance for PSPOs was very specific in that PSPOs could not be used to tackle homeless people.

A member asked how officers determined whether a person was homeless. Mr Clark stated that this would be determined through engagement as well as working with other agencies.

Another member asked for an update on the Motor Caravan Parking Site Pilot Scheme and what payment methods would be available. Councillor Swinburn advised that Motor Caravans would have a dedicated place and various methods of payment would be available such as card or phone payments. In response to a query around charges, Councillor S Swinburn confirmed that a list of fees would soon be available.

Councillor Shepherd sought legal advice from Mr Jones with regard to council land including parking along the highway. Mr Jones explained that should the highway be obstructed with camping equipment it would in the first instance be an issue for the police and then the council. A member wished to clarify whether the prohibition included the footpath and those people sleeping overnight in vehicles. Mr Jones stated that there was a distinction to be had between people sleeping in campervans on council land and those people sleeping in their cars. Mr Jones reiterated that the prohibition was solely for overnight camping on council land.

A member asked what information would be issued to the public with regard to the new PSPO. It was confirmed that a press release would be issued.

A member expressed his support for the prohibition outlined in paragraph 1.25 of the report but warned about the wording that had been used. The council needed to ensure it did not preclude fireworks at events such as the Armed Forces Day. A member queried why helium balloons had been included in this prohibition. Ms Logan explained that this was due to their composition and material which was a hazard for wildlife. A member suggested the use of environmentally friendly balloons, and indicated he would not want to see balloons completely banned at events. Councillor Shepherd clarified that the prohibition was for council land and that this was not a blanket ban. In particular, there was a need to regulate Chinese lanterns as they were effectively an open flame which had the potential to be very dangerous.

A member sought clarification around the prohibition outlined in paragraph 1.26 of the report around whether owners of jet skis required a licence. Ms Logan stated that owners of jet skis were required to register with the resort team and were charged a fee every year. Ms Logan explained that without that, the owners could not get a key to access the slipway. Members asked whether owners received a list of guidelines regarding their jet ski usage. Ms Logan confirmed they were given a list of guidelines to abide by. A member asked whether it would be useful to have a zone which included a speed restriction marked by buoys rather than lanes. Ms Logan stated that they had been referred to as swim lanes in the report but they were in fact areas with a barrier of buoys.

A member queried why drones had not been included in the prohibition outlined in section 1.27 of the report. The Chair advised that people that used drones required a licence and were subject to restrictions. A member expressed concern about the use of drones at People's Park. Councillor Shepherd stated that the PSPO did not regulate for drones but advised that due to the height of trees at People's Park it was unlikely that people would fly drones in this area. A member stated that they had witnessed somebody undertaking this activity in this location. Councillor Shepherd advised that any such instances would need to be investigated.

Members discussed the prohibition regarding metal detecting outlined in section 1.28 of the report and sought clarification on a number of matters.

Councillor S Swinburn stated that it had been the only prohibition outlined that had not received public support and was therefore concerned that that it could potentially lead to a ban on sandcastles. Councillor Shepherd stated that most of the parks and open spaces within North East Lincolnshire fell within a conservation area and if people were being allowed to dig holes, then there would not be much conservation left. The Chair considered that holes on the beach were re-filled as the tide went in and out and sought a compromise on this matter to include a permitted area on the beach to allow specifically for metal detecting. Ms Logan confirmed that the beach from Wonderland to Tetney was protected and metal detecting could not be permitted due to restrictions from Natural England.

A further discussion ensued with members considering the different scenarios with hole digging on both the beach and parks and open spaces. Overall, members were concerned about a blanket ban on metal detecting. Councillor Shepherd believed that most metal detecting took place on private land, however, measures needed to be put in place if there was a risk to the public. Furthermore, Councillor Shepherd highlighted the risks associated with hole digging within the ground. A suggestion was made for permits to be issued in order to enforce this.

Mr Jones advised that the panel could make a recommendation to Cabinet to that effect but explained that it would be a decision for Cabinet to make.

The Chair urged the panel to focus on the results of the public consultation highlighting that the public's view was important. Another member considered that the council needed to consider regulation rather than prohibition. Councillor Lindley proposed that section 1.28, Use of Metal Detectors, within the report be removed. Councillor Brookes seconded the motion.

The committee supported this motion.

A member queried the wording used for the prohibition outlined in section 1.29 of the report and asked for fishing in Homestead Park in Immingham to be included. Ms Logan said that she would check.

Another member sought clarification on the prohibition outlined in section 1.31 of the report regarding the obstruction of officers. Mr Clark explained that this related to officers undertaking duties as a means for security and protection. Mr Clark wanted this type of harassment by the public to be enforceable. Councillor Shepherd highlighted that enforcement officers had very difficult jobs and whilst the Public Order Act could be used by the police, the PSPO would be the first line of defence. A member queried whether a fine would be issued to offenders. Mr Clark stated that there would be £100 fine for all prohibitions contained within the report. Councillor Lindley proposed that the committee adopt, Option 3, within the report, introduce this PSPO in part, with the exception of a prohibition around metal detecting pending further discussion. Councillor Pettigrew seconded the motion.

The joint panel supported the motion proposed by Councillor Lindley.

Members discussed how the prohibitions would be enforced and sought clarification on several matters. The Chair expressed concern regarding officer numbers and the ability to enforce with staff limitations. Mr Clark stated that the Local Authority (LA) Support team through the Doncaster framework would be responsible for enforcing the PSPO. A member requested that regular updates on PSPOs be provided at future scrutiny meetings in order to monitor their progress.

A member expressed concern about the zero-tolerance approach and the signage regarding dogs on the beach. Councillor Shepherd explained the right of appeal. Both Councillor Shepherd and S Swinburn were in agreement that there was enough signage regarding dogs on the beach and that it was clear. The Chair sought clarification on whether the issuing of fixed penalty notices included juveniles. Mr Clark confirmed that they did not include juveniles and explained the reasoning behind this, which was to avoid criminalising young people. Councillor Lindley suggested working with youth offending on the issue. Mr Clark said that he would be working with the Head of Young and Safe on the issue of youth offending.

Another member queried why the Council had an out of area enforcement team. Councillor Shepherd confirmed that the council's contract was with City of Doncaster council and LA Support which cover other local authorities. He further explained that when the team was previously brought in, the partnership had worked well and it had now expanded. Members would recall that the team was contracted in 2018 and that Communities Scrutiny Panel members would be aware that the council was looking to extend the contract until 2025. A member queried the revenue generated from the fine for both the

council and LA Support. Mr Clark confirmed that the issuance of the fines was provided by LA Support with the processing of the fixed penalty notices, collection of monies, appeals and associated administration being undertaken by City of Doncaster Council. He said that the revenue was shared between City of Doncaster Council, LA Support and North East Lincolnshire Council and that North East Lincolnshire Council received a percentage of the fine.

RESOLVED –

1. That a decision be sought from the Executive and Scrutiny Liaison Board on whether updates on this PSPO be provided to the Communities Scrutiny Panel or the Tourism and Visitor Economy Scrutiny Panel.
2. That the Head of Open Spaces check whether the wording for the prohibition for Fishing outlined in section 1.29 of the report should be amended to include Homestead Park in Immingham.
3. That the Head of Regulatory and Enforcement Services work in collaboration with youth offending regarding fixed penalty notices.

RECOMMENDED TO CABINET:

1. That section 1.28, Use of Metal Detectors, within the report now submitted be removed.
2. That section 3.3 within the report (Option 3 - Introduce this PSPO in part) be adopted, with the exception of a prohibition around metal detecting pending further discussion.

There being no further business, the Chair declared the meeting closed at 8.38 p.m.