



TO COUNCILLOR:

E R Barr
G A Boulter
Mrs L M Broadley (Chair)
F S Broadley

M H Charlesworth
M L Darr (Vice-Chair)
R F Eaton
Mrs L Eaton JP

J Kaufman
Mrs L Kaufman
Mrs H E Loydall

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 11 OCTOBER 2018** at **6.30 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
11 October 2018

Mrs Anne E Court
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA UPDATE</u>	<u>PAGE NO'S</u>
3.	Minutes of the Previous Meeting held on 12 July 2018	1 - 10

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.

For more information, please contact:

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Agenda Item 3

MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 12 JULY 2018 COMMENCING AT 6.30 PM

PRESENT

Councillor Mrs L M Broadley (Chair)
Councillor M L Darr (Vice Chair)

COUNCILLORS

G A Boulter
F S Broadley
R F Eaton
Mrs L Eaton JP
J Kaufman
Mrs L Kaufman
Mrs H E Loydall

OFFICERS IN ATTENDANCE

S J Ball (Senior Democratic Services Officer / Legal Officer)
D M Gill (Head of Law & Governance / Monitoring Officer)
Ms P J Samuels (Environmental Health & Licensing Team Leader)

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors E R Barr, Miss A R Bond and M H Charlesworth.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 05 APRIL 2018

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting of the Committee held on 05 April 2018 be taken as read, confirmed and signed.

4. ACTION LIST ARISING FROM THE MEETING HELD ON 05 APRIL 2018

In respect of the first action point, a general definition of household waste was provided to Members. It was advised that the definition ought to be read in conjunction with the [definition\(s\) of waste](#) on the Government's website and the [list of chargeable non-household waste](#) as on Leicestershire County Council's website.

In respect of the second action point, a statistical breakdown of confirmed incidents of fly-tipping and abandoned vehicles for the first quarter of 2017/18 was said to feature as part of the verbal update at agenda item 6 (at min. ref. 6).

In respect of the third action point, it was reported that one scrap-metal dealer operating in the Borough had been incorrectly issued with two licences: it was said that one of the

two licences had since lapsed and was not to be renewed.

The Chair requested that an amendment be made to the Council's Constitution (under the authority given to the Monitoring Officer under Article 12.02) to exclude those Members who have not completed basic training from being eligible to sit on a Licensing Sub-Committee or Panel only and not from the parent Committee.

At the request of the Chair, the Committee unanimously endorsed the '[Sam Says](#)' [campaign](#) aimed to educate taxi drivers and passengers about the dangers of 'car-dooring'. It was agreed that safety stickers were to be displayed in Council vehicles and taxi drivers were also to be encouraged to display the same in their vehicles.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List be noted by Members.

5. PETITIONS AND DEPUTATIONS

None.

6. ENVIRONMENTAL HEALTH UPDATE (Q1 2018/19) (VERBAL UPDATE)

The Committee gave consideration to the verbal update as delivered by the Environmental Health & Licensing Team Leader. A copy of the verbal update is filled together with these minutes at **Annex A** and **Annex B**.

The Committee was advised that formal letters had been issued to those offenders identified in those confirmed fly-tipping cases. This was said to have successfully achieved a required level of compliance without the need for full enforcement action.

The Committee was advised that the review and tendering of the new stray dog service contract, that was to include an enforcement element in respect of dog-fouling, was a work in progress. It was said that options were also being explored to invest in and introduce CCTV, body-cameras and other mobile enforcement tools.

It was reported that all classes of food premises had been, or were to be, inspected. It was said that different enforcement and monitoring formats had been introduced, including more practical and self-auditing options for premises owners.

It was reported that the responsibility for conducting hygiene inspections of mobile food business, such as ice-cream vans, rested with the local authority with whom the business owner had registered with. It was also noted that in order to trade lawfully in the Borough, vendors were required to obtain a Street Trading Consent.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The verbal update be noted by Members.

7. LICENSING UPDATE (Q1 2018/19)

The Committee gave consideration to the report (at pages 9 - 11) as delivered and

summarised by the Head of Law & Governance / Monitoring Officer which should be read together with these minutes as a composite document.

The Committee raised concerns regarding the capacity of the Licensing Section in view of the increasing high number of applications being received and relatively low pass rates of those applicants sitting the competency test. The Committee was advised that a number of workflow initiatives had since been put in place and a request had been made to recruit an apprentice in order to better manage and expedite existing workloads. It was also said that current testing processes were designed to filter out the very best calibre of candidates to go to be licenced drivers.

The Committee was advised that the introduction of a saturation policy in terms of limiting the number of hackney carriage (HC) vehicles would be difficult to implement given the robust evidence-base needed to withstand potential challenge. It was also advised that it would be difficult to justify the implementation of a policy requiring all HC vehicles to be complaint with the Equality Act 2010 for passenger accessibility as this would involve a considerable amount of expenditure that would yield only a relatively small benefit. The suitability of particular vehicle types could be considered.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

That contents of the report be noted by Members.

8. ADOPTION OF THE INSTITUTE OF LICENSING'S "FIT AND PROPER" CRITERIA

The Committee gave consideration to the report and appendix (at pages 12 - 28) as delivered and summarised by the Head of Law & Governance / Monitoring Officer which should be read together with these minutes as a composite document.

It was moved by Councillor Mrs H E Loydall, and Councillor G A Boulter and

UNANIMOUSLY RESOLVED THAT:

- (i) The Institute of Licensing's guidance entitled 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' be adopted; and**
- (ii) The Head of Law & Governance / Monitoring Officer be given delegated authority, following consultation with the Chair and Vice-Chair of the Committee, to review the Council's Hackney Carriage and Private Hire Licensing Policy and the Guidelines on Relevant Convictions contained therein to ensure there is a consistent approach to that advocated in the Guidance.**

9. CIVIL PENALTIES UNDER THE HOUSING AND PLANNING ACT 2016

The Committee gave consideration to the report and appendix (at pages 29 - 37) as delivered and summarised by the Head of Law & Governance / Monitoring Officer which should be read together with these minutes as a composite document.

The Committee was advised of the policy amendments as resolved at the meeting of the Service Delivery Committee on 10 July whereby it was agreed that: there needed to be more proportionality between offenders' income and any proposed penalty; more details as to fully recoverable costs was to feature in the policy and; the level of the penalty was

to be ultimately set by the Head of Law & Governance.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the report and appendix be noted.

THE MEETING CLOSED AT 7.57 PM



Chair

Thursday, 11 October 2018

*Printed and published by Democratic Services, Oadby and Wigston Borough Council
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

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Environmental Health Update (Q1 2018/19) (Verbal Update)**Verbal Update of the Environmental Health & Licensing Team Leader****1. Dog Fouling and Stray Dogs – Summary and Statistics**

- 1.1 Over 40 inspections and site walk overs have been undertaken in the last quarter to ensure a regular presence in the Boroughs' Parks and open spaces.
- 1.2 The out of hours Stray Dog service is still operating efficiently and providing a prompt response to reported strays in line with our procedures.
- 1.3 The number of dog related complaints received in the last quarter is 25.12 of which were requests for stencilling on various streets across the Borough. Hunters Way was raised at the Oadby Residents Forum as a problem location requiring our intervention. Stencilling has been done using clear details of places where the dog fouling has been particularly problematical.
- 1.4 The five reports of dangerous dogs were at various locations across the Borough: a grey pit bull (The Oval, Oadby); 2 Japanese Akitas (Rutland Avenue); Brown Labrador (Peace Memorial Park); aggressive dog (Penney Close, Wigston) where the Police were advised of this problem; Bull mastiff (Markham Way) – being considered for further formal action.

2. Public Space Protection Order (PSPO) - Update

- 2.1 Signs have been prepared and are currently being placed around the Borough. This will be completed by Friday 20 July.

3. Pest Control Service**3.1 Q1 Statistics**

Pest Type	Number of Requests for Service
Rats	41
Mice	13
Cockroaches	0
Bed bugs	3
Wasps	26
Fleas	2
Squirrels	6
Ants	1
TOTAL	92

- 3.2 Financial Report – This has been agreed for report at Licensing and Regulatory Committee on 11th October 2018 and to Service Delivery Committee a month earlier on 11th September 2018.
- 3.3 The Pest Control Service has continued to deliver a top rated service to the residents of Oadby and Wigston and has seen a seasonal increase in the number of Wasp complaints, as anticipated.
- 3.4 Three Pest Control Contracts are now in place: one at a Hostel, Station Road the other a Nursery, Leicester Road, Wigston and the third at a restaurant in London Road, Oadby.

- 3.5 Officers continue to promote the availability of the Pest Control Service during their routine inspections to compliment and supplement the promotional adverts in the current edition of Letterbox.
- 3.6 Other marketing strategies have included a previous Campaign to target Food and Commercial premises to attract long term Contracts and to promote the use of the Council's services to all residents via the Letterbox newsletter.

3.7 Summary Timelines:

July 2017: Letterbox Press Release
 November 2017: A letter drop to 299 Commercial premises and 318 Food venues
 April 2018: Letterbox Press Release

Details promoting the Pest Control service have also been advertised on the Council's website.
 See: https://www.oadby-wigston.gov.uk/pages/pest_control_service

- 3.8 A review of performance from April to July 10th show's a very positive picture of income driven by the Contracts and the steady income stream from Rodents and Wasps, in particular. If this continues we will comfortably break even.

4. Fly Tipping

4.1 Q1 Statistics and Summary

Month	Reported to EH	Confirmed Cases
April	7	2
May	12	2
June	12	3
TOTAL	31	7

- 4.2 The handling of these types of complaints is being reviewed by the Team Leader of the Customer Service Centre to ensure capture and accurate referral to the most appropriate Team.
- 4.3 In addition to these 31 reports, there have been 5 reports of littering over the last quarter and a further 20 reports of accumulations.

5. Abandoned Vehicles

5.1 Process and Q1 Statistics

5.2 Process

Local authorities must work out if vehicles are abandoned. This is likely if at least one of the following applies:

- they have no keeper on the DVLA's database and are untaxed - check vehicle tax online
- they're stationary for a significant amount of time
- they're significantly damaged, run down or unroadworthy - with flat tyres, wheels removed or broken windows
- they're burned out
- they have number plates missing

Local authorities can legally enter land (at a reasonable time) to investigate and remove abandoned vehicles. (Source: <https://www.gov.uk/guidance/abandoned-vehicles-council-responsibilities#work-out-if-a-vehicle-is-abandoned>)

5.3 **Statistics**

Month	Reported to EH	Confirmed Cases
April	10	4
May	5	1
June	6	2
TOTAL	21	7

6. Food Hygiene – Inspections and Regional Plan

6.1 Inspections

Officers have a projected 184 Food premises to inspect over this financial year. The Lead Officer commenced maternity leave in May and this role has been taken up by another Officer and supplemented by the Environmental Health Team Leader.

17/17 inspections have been undertaken this quarter which accounts for 100% of the projected number for this quarter. This is broken down to 9 Category E's and 8 (A to D's). In addition we have conducted 2 Food Hygiene Rating Score visits and processed applications for 23 new businesses.

The ratings are not yet displayed on our own website, however, they are available on the FSA website.

One business was given a rating of 0 and given an A Category inspection rating. This business has a history of non-compliance but when inspected March 2018 pleaded ill health after suffering a recent heart attack. Therefore it was felt appropriate to warn the business again, revisit in 7 days to check cleaning and practices and inform him that failure to maintain standards by his next routine inspection in September 2018 would result in prosecution.

For the next quarter we anticipate to cover:

Total 41 (15 E, 26 A – D) Programmed

Total 4 New Businesses – ongoing and receiving at an average rate of 2 per month

Food Hygiene Rating Rescore Visit – 2 – ongoing and receiving an average of 1 per month.

6.2 Regional Food Plan (See Annex B)

All members of the Leicestershire Food Liaison Group have agreed to the Plan attached to this Report, and we are working towards the stated milestones dependant on our level of resource within the Team.

Key Priority Theme	Activity	Implementation Date	Completion/Review Date	Lead Responsibility
Performance	<u>Sampling</u> (a) Complete 2017/18 Programme	1 January 2018	31 March 2018	Food, Water & Environment Lab, London in conjunction with all Authorities
	(b) Commence 2018/19 Programme	1 April 2018	Review each meeting: Completion 31 March 2019	Food, Water & Environment Lab, London in conjunction with all Authorities
	(c) Draft Protocols for sampling subjects	2 months prior to sampling topic	31 March 2019	Food, Water & Environment Lab, London in conjunction with all Authorities
	(d) Raw Milk local sampling survey	1 January 2018	31 December 2018	LA`s and Trading Standards In conjunction with Food, Water & Environment Lab, London
	<u>Peer Review / Inter Authority Auditing</u> Desk top study of officer monitoring arrangements	1 January 2018	31 December 2018	All local authorities except Leicestershire County Council
	Carry out an Inter Authority Audit on the application of the national Food Hygiene Rating Scheme.	1 January 2018	30 June 2018	All local authorities except Leicestershire County Council
	<u>Food Hygiene Promotion</u> All Local Authorities to support one food safety campaign.	1 January 2018	31 December 2018	All local authorities
	<u>Food Hygiene Rating Scheme</u> Continue to improve county consistency in the Food Standards Agency (FSA) Food Hygiene Rating Scheme	1 January 2018	31 December 2018	All local authorities except Leicestershire County Council

Key Priority Theme	Activity	Implementation Date	Completion/Review Date	Lead Responsibility
Inter Agency Working	Invitation to Dairy Hygiene, Gang master Licensing Authority & FVO to attend one meeting	1 January 2018	31 December 2018	Secretary
	Review of Officer Training needs in Leicestershire	1 April 2018	30 September 2018	Training Officer/All Authorities
	To facilitate one joint project with Trading Standards Officers in the County on meat traceability/ raw milk.	1 January 2018	31 December 2018	Leicestershire County Council Trading Standards
	<u>Facilitation of Courses</u>			
Continuing Professional Development	Arrange 2 courses for Enforcement Officers in the County.	1 January 2018	31 December 2018	Training Officer
	Assist in the nomination of speakers and programme for the East Midlands 5+1 Event in September 2018	1 January 2018	30 September 2018	Training Officer assisted by all LAs.

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(ss/health/WorkPlan18) Dec.2017 Steve Merry