



**TO COUNCILLOR:**

Miss A R Bond  
G A Boulter  
Mrs L M Broadley (Chair)  
Mrs K M Chalk

Miss M V Chamberlain (Vice-Chair)  
M H Charlesworth  
R F Eaton  
R E Fahey

J Kaufman  
Mrs H E Loydall

Dear Councillor *et al*

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, 12 OCTOBER 2017** at **6.30 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**02 October 2017**

**Anne Court**  
Chief Executive (Interim)

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Declarations of Interest</b>	
	Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
<b>3.</b>	<b>Minutes of the Previous Meeting held on 19 July 2017</b>	<b>1 - 4</b>
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	
<b>4.</b>	<b>Action List Arising from the Meeting held on 19 July 2017</b>	<b>5</b>
	To read, confirm and note the Action List arising from the previous meeting.	
<b>5.</b>	<b>Petitions and Deputations</b>	
	To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
<b>6.</b>	<b>Corporate Enforcement Report</b>	<b>6 - 18</b>
	Report of the Interim Head of Communities.	
<b>7.</b>	<b>Licensing Team: Capacity and Other Issues</b>	<b>19 - 22</b>



**For more information, please contact:**

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**MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON WEDNESDAY, 19 JULY 2017 COMMENCING AT 6.35 PM**

**PRESENT**

Councillor Mrs L M Broadley (Chair)  
Councillor Mrs K M Chalk (Vice Chair, Acting)

**COUNCILLORS**

Miss A R Bond  
G A Boulter  
M H Charlesworth  
Mrs H E Loydall

**OFFICERS IN ATTENDANCE**

Mrs T Aldwinckle (Licensing Enforcement Officer)  
T Cawthorne (Environmental Health Officer)  
D Gill (Legal Advisor)  
S Glazebrook (Interim Head of Communities)  
Ms S Lane (Democratic Services Officer / Compliance Officer)  
J Mortell (Licensing Officer)

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors Miss M V Chamberlain, R F Eaton, R E Fahey and J Kaufman.

**2. APPOINTMENT OF SUBSTITUTES**

**RESOLVED THAT:**

**Councillor Mrs K M Chalk assume the Vice Chair for the duration of the meeting only.**

**3. DECLARATIONS OF INTEREST**

None.

**4. MINUTES OF THE PREVIOUS MEETING HELD ON 06 APRIL 2017**

**RESOLVED THAT:**

**The minutes of the previous meeting of the Committee held on 6 April 2017 be taken as read, confirmed and signed.**

**5. ACTION LIST ARISING FROM THE MEETING HELD ON 06 APRIL 2017**

The Committee heard that the Hackney Carriage and Private Hire Licensing Policy was to be addressed at agenda item 9 (at paras 11.1 and 11.2) and that six Members in total attended the training session on 13 July (at min. ref. 7).

**RESOLVED THAT:**

**The Action List be noted by Members.**

**6. PETITIONS AND DEPUTATIONS**

None.

**7. CORPORATE ENFORCEMENT UPDATE**

The Committee gave consideration to the report (at pages 7 – 15) as delivered and summarised by the Interim Head of Communities which should be read together with these minutes as a composite document.

A debate thereon was had by Members who considered the following in turn.

**Asbestos Case - Marstown Avenue, South Wigston**

The Committee was advised that the work was being monitored by the Council and that the Council was initially covering any expenditure but would be pursuing the site owner for costs.

**Dog Fouling**

The Committee was advised that it was presently unknown how many stray dogs put in kennels were claimed but attempts to re-home are sought and identified owners are charged kennelling fees.

**Fly-Tipping**

The Committee was advised that as an authority the Council have a responsibility to investigate in an attempt to identify the person responsible for fly-tipping but there was very little that could be done under the Environment Act 1995. It was said that If the identified person admitted guilt, they can be issued with a fixed penalty notice (FPN). Officers advised that if any land was deemed to be in such an unreasonable condition detrimental to its amenity, action could be taken by service of Unity Land notice under section 215 of the Town & Country Planning Act 1990. The Council could compel action under the tenancy agreement if a council-owned property.

**Abandoned Vehicles**

Members were advised that an abandoned vehicle would be one whereby it had no tax, no MOT, possibly in poor condition and on a highway. A notice would be placed on the vehicle and if the owner came forward, it would not be deemed an abandoned vehicle but the details passed onto the DVLA for any further action.

**Food Inspections / Food Hygiene Rating System**

The Committee were advised that for new premises, following the business registering with the authority an inspection would then be arranged. If the rating was found to be poor, a re-inspection could take place after a three month period. Food ratings were published on the Council website and passed to the Food Standards Agency. The relevant businesses have 25 days in which to lodge an appeal and the original rating remains until the appeal period has expired.

**Enforcement Action**

It was noted that the wording on the Corporate Enforcement Report at para. 11.2a (at page 11) needed rewording from fit and proper to not fit and proper.

Members stated that anti-social behaviour around the Launceston Road shops in Wigston had improved significantly over the last few years. Concerns were raised at the number of non-OWBC licensed taxis seen in the area and parking in taxi ranks and a particular ice cream van parking on double yellow lines at the bottom of Bell Street, Wigston. Members also queried whether there was enough capacity within the Licensing Team.

The Committee was advised that Officers were liaising with Leicester City Council regarding the issue and that there was to be a joint operation with Leicestershire Constabulary in late September. Patrols of ranks were also said to take place and those vehicles not eligible to be parked are moved on. It was said that a work capacity review would be undertaken and the results would be brought to a subsequent meeting. It was reported that the complained-of ice-cream van operator had been spoken to and had since been issued with the relevant licence to trade lawfully.

**RESOLVED THAT:**

**The contents of the report be noted.**

**8. PUBLIC SPACE PROTECTION ORDERS (PSPO'S)**

The Committee gave consideration to the report (at pages 16 – 31) as delivered and summarised by the Interim Head of Communities ("the Head of Service") which should be read together with these minutes as a composite document.

A debate thereon has had by Members regarding the PSPO's in which the inclusion of dog fouling was welcomed. Members requested all children's fenced-off play areas be included in Schedule 2 (Dog Exclusion Areas).

The Committee heard that the Head of Service would be meeting with the Local Policing Commander on 20 July and in relation to the PSPO's. Additional areas could be added at any time. It was advised that a report would be brought back on the results of the consultation at the next committee meeting. It was stated that this was a draft policy and that the consultation was currently open to the gauge public feedback.

It was moved by the Chair, seconded by the Vice Chair and

**UNANIMOUSLY RESOLVED THAT:**

- (i) The implementation of Public Space Protection Orders in the Borough from 1 October 2017 be approved subject to (ii).**
- (ii) Delegated authority be granted to the Monitoring Officer in consultation with the Chair of the Committee to make any necessary amendments to the PSPO's; and**
- (iii) The consultation survey published on the Council's Website be noted.**

**9. ENVIRONMENTAL AND LICENSING POLICY REPORT**

The Committee gave consideration to the report (at pages 32 - 77) as delivered and summarised by the Interim Head of Communities which should be read together with these minutes as a composite document.

It was acknowledged that a number of minor, administrative amendments to the

Environmental and Licensing Enforcement Policy were required. In response to a concern raised, the Committee was informed that the dispersal and storage of silage on agricultural land was regulated activity and that any related issues were matters reserved unto the Environment Agency to which all referrals are directed.

Members requested that once the necessary amendments had been made to the Environment and Licensing Enforcement Policy that it re-circulated to Members.

**UNANIMOUSLY RESOLVED THAT:**

- (i) The use of the Environmental and Licensing Enforcement Policy 2017 (attached at Appendix 1) be approved subject to (ii);**
- (ii) Delegated authority be granted to the Head of Communities in consultation with the Chair of the Committee to make any necessary amendments to the Policy;**
- (iii) The provisions, including the extension of the powers of the Licensing Enforcement Officer, under the Anti Social Behaviour and Policing Act 2014 be enacted;**
- (iv) The provisions, including the extension of the powers of Environmental Health Officers, under the Clean Neighbourhoods and Environment Act 2005 be enacted.**

**THE MEETING CLOSED AT 7.37 PM**



.....  
**Chair**  
.....

**Thursday, 12 October 2017**  
.....

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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

LICENSING AND REGULATORY COMMITTEE

**ACTION LIST**

Arising from the Meeting held on Wednesday, 19 July 2017

Min. Ref.	Item of Business	*Details of Action <i>Action Due Date</i>	Responsible Officer(s)' Initials	Status / Update
7.	<b>Corporate Enforcement Update</b>	A review of the Licensing Team's work capacity be undertaken. <i>Due by Oct-17</i>	<b>PS SG</b>	See Report (Agenda Item 7)
8.	<b>Public Space Protection Orders (PSPO's)</b>	All children's fenced-off play areas to be included in Schedule 2 (Dog Exclusion Areas). <i>Due by Oct-17</i>	<b>PS SG AC</b>	See Report (Agenda Item 6)
9.	<b>Environmental and Licensing Policy Report</b>	The Environmental and Licensing Enforcement Policy be re-circulated to Members once the necessary amendments made. <i>Due by Oct-17</i>	<b>PS SG</b>	Complete

\* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not otherwise form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s) so-named.

# Agenda Item 6



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 12 October 2017</b>	<b>Matter for Information and Decision</b>
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**Title:** Corporate Enforcement Report

**Author(s):** Stephen Glazebrook (Interim Head of Communities)

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## 1. Introduction

There are a broad range of environmental standards and legislation enforced by Environmental Health and Licensing either independently or inter-dependently with other sections of the Council. This report seeks to inform Committee of the responsibilities and the enforcement outcomes achieved in the last two months.

## 2. Recommendation(s)

- 2.1. Members are asked to note the contents of the report.
- 2.2. To approve the final Public Space Protection Order (PSPO) as detailed in Appendix 2.

## 3. Information

### 3.1. Asbestos Case - Marstown Avenue (Update)

The Council undertook (through an asbestos specialist) laboratory analysis of the gardens of Marstown Avenue and Kenilworth Road due to failure by the site owners to resolve the remaining outstanding issues. The results indicated that four gardens despite having the clearance work carried out still contain traces of asbestos material and require remediation. As a result the Council has now served formal notices on the owners of the site to:

- Remediate the remaining 4 gardens
- Undertake further laboratory analysis following completion of the remedial works
- Replace all personal articles disposed of during the remediation

Failure to undertake the works by the specified date may lead to formal legal action being taken against the owners of the site.

### 3.2. Dog Fouling

In the period July to August 2017, the main focus of activity has been the provision of advice and proactively stencilling and placing additional signage where necessary across the Borough. In addition, through the promotion of the new Public Space Protection Orders there has seen a concerted media campaign to promote the issue of dog fouling in the Borough.

Regular monitoring has been undertaken in the parks and open spaces across the Borough. In the two months being reported upon 18 monitoring visits have been undertaken evenly across the Borough's parks and open spaces and is seemingly acting as a deterrent.

We rely on reliable intelligence from the public and this has resulted in letters being



sent to alleged perpetrators. The complainants are advised of this action so as to encourage further reporting, where necessary. Educational signs have also been erected in areas to further encourage responsible dog ownership by owners cleaning up after their dogs.

There were 24 dog related cases reported during July and August with only 4 complaints being related to dog fouling on the streets leading to advice, stencilling and signage. This is a reduction of 37% on the previous reporting period. 9 stray dogs were picked up and taken to kennels. There were 7 reported incidents where dogs were being aggressive to neighbouring households or other animals and the appropriate action was taken.

### 3.3. **Public Space Protection Orders (PSPO's)**

The consultation process regarding the introduction of Public Space Protections Orders which will replace the existing Dog Protection Byelaws was completed on 8 September 2017.

The consultation was carried by a number of different means including:

- Survey Monkey
- Facebook
- Twitter
- Council's website

A summary of the results of the consultation are attached at **Appendix 1**.

There were no changes to the proposed PSPO areas as a result of the consultation and a copy of the final order is attached at **Appendix 2** which Members are asked to approve. As requested by Members all children are fenced off play areas have been included in Schedule 2 (Dog Exclusion Areas).

Going forward there may be other issues that may be added to the Public Space Protection Order and a meeting with the Police is planned later this month to discuss further.

### 3.4. **Pest Control**

65 initial requests regarding pests in domestic settings were received in that time and the breakdown is shown in the table below:

<b>Pest Type</b>	<b>Numbers</b>
Rats	18
Mice	2
Cockroaches	0
Squirrels	4
Fleas/bedbugs	3
Wasps	38
<b>TOTAL</b>	<b>65</b>

Further to the Service Delivery Committee's decision to expand the pest control

service into the commercial sector the new service has been advertised on the Council's web site and all non food businesses have been written to promoting the service and advising businesses of their duty under The Prevention of Damage by Pests Act.

So far the take up and been slow and it may take some time for the full potential to be realised. Consideration is also being given to offering the new service to food related businesses. The Council is able to do this under the regulations and whilst it could present a conflict of interest where enforcement is being pursued, if the Council is also the contractor. However, providing there is a clear client /contractor split then this should not present any problems. Legal advice is being sought on this issue to clarify the position.

In order to establish whether there is a market for the expanded pest control service it is proposed that the position be reviewed at the end of the financial year.

The revised Pest Control charges as agreed by Members were increased from July 2017.

### 3.5. **Enforcement of Litter, Fly-tipping and Accumulations**

Environmental Health received 9 reports of fly-tipping during the period which were investigated and progressed within the stipulated response times. In addition to this the Borough is regularly monitored for any nuisances in line with the requirements of the Environmental Protection Act. There were no orders served relating to the Anti Social Behaviour and Crime Act in the period and no fixed penalty notices were served.

### 3.6. **Abandoned Vehicles**

There have been 9 reports received of abandoned vehicles in the period, all of which were investigated and progressed. In several cases, the reported vehicle did not meet the criteria for an abandoned vehicle so no formal action could be taken. In all such cases, the complainant was advised of the outcome of our investigation.

Further work is being done to improve the quality of referrals so as to reduce the number of complaints of illegal or nuisance parking being reported as "abandoned vehicles".

### 3.7. **Food**

The Council has a duty to undertake inspections of Food Hygiene premises. During the inspection and under guidance from the Food Standards Agency the premises are rated accordingly. The Food Hygiene Ratings can be viewed at <http://ratings.food.gov.uk/>

As previously reported there was a reduction in the number of Food Hygiene inspections in April and May due to a shortage of staff. Additional external resources were therefore brought in to cover the absence resulting an increased number of inspections which are now back on schedule.

Food Hygiene inspections by month 2017:

<b>April</b>	1
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<b>May</b>	0
<b>June</b>	8
<b>July</b>	8
<b>August</b>	17

8 new food businesses have been registered from 1 April 2017.

2 requests have been received from businesses for a revisit under the Food Hygiene Rating System.

### 3.8. **Service Requests**

Service requests are issues received from residents and businesses within the Borough in relation to Environmental, Housing and Commercial matters. The department has received 93 requests for service between 1 April and 31 August 2017.

### 3.9. **Infectious Diseases**

The Department undertakes investigations of infectious diseases in conjunction with Public Health England. 5 new cases of infectious diseases were investigated between 1 July and 31 August.

### 3.10. **Departmental Update**

The Councils Air Quality Survey has been submitted to DEFRA following consultation with the Well Being Board and the three Community forums. This was new requirement from DEFRA following considerable interest in air quality and is likely to be reproduced in the future.

The Food Safety internal audit has also been carried out and matters arising have been addressed and implemented.

### 3.11. **Licensing**

Due to the increasing demand of taxi applications applying for combined drivers badges it has become necessary to increase the number of competency tests held to two each month to meet demand. Each test has 20 applicants. We are presently taking bookings for November 2017. Legislation dictates that the Council is not able to restrict the number of drivers and also are unable to restrict the amount of Private Hire vehicles.

Taxi Enforcement action is currently being pursued in relation to drivers who are breaching the Councils "Intended Use Policy". Five applications for Combined Drivers licences are being scrutinized after the Licensing Team received the DBS certificates and the applicant's suitability investigated. A further 5 applications have been refused due to information contained within the DBS Certificates. The Enforcement Officer has attended several meetings with the Police in relation to taxi matters within the Borough over safeguarding and enforcement issues.

The Enforcement Officer is now working with Leicestershire Police and Leicester City Council in relation to Manor Road/Stoughton Road South regarding Leicester City Hackney Carriages plying in for hire in the Oadby and Wigston area. The aim is to complete joint visits to Operators outside our jurisdiction to enable to enable Officers

to enforce the intended use policy more vigorously.

### 3.12. **Education and Training**

Following the introduction of the Immigration Act all documentation has to be submitted by taxi applicants personally. There has been a national increase in forged documentation being presented for the purpose of making taxi applications.

An opportunity has arisen, at no cost to the Authority for an expert from the Metropolitan Police to visit OWBC and educate the Licensing Officers and Customer Services in detecting fraudulent documentation. It is proposed to take advantage of this opportunity.

### 3.13. **Licensed Premises**

Several licensed premises have been inspected in conjunction with the Police since the last Licensing Committee meeting in July 2017 and we have not received any further reports of noise nuisance from the properties on The Parade, Oadby.

### 3.14. **Launceston Road Shops, Wigston**

Reports had been previously received of underage drinking and littering at the rear of the Launceston Road Shops. However, there have not been any recent reports of problems.

#### **Background Documents:**

Report entitled 'Public Space Protection Orders (PSPO's)' by the Interim Head of Communities to the Licensing and Regulatory Committee meeting on 19 July 2017

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<b>Implications   Corporate Enforcement Report</b>	
<b>Finance</b>	There are no significant financial implications.
<b>Chris Raymakers</b> (Head of Finance, Revenues and Benefits)	
<b>Legal</b>	The new Pubic Space Protection Order will replace the existing Dog Byelaws.
<b>Martin Hone</b> (Interim Director of Services)	
<b>Corporate Risk(s) (CR)</b>	<input checked="" type="checkbox"/> <b>Regulatory Governance (CR6)</b> Ensuring the Council has a coherent and transparent enforcement Policy across the Borough and across all tenures.  <input checked="" type="checkbox"/> <b>Other Corporate Risk(s)</b> Failure to implement the Policy will leave the Council in a position of being unable to defend actions taken by enforcement offices in pursuance of their required duties.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Corporate Priorities (CP)</b>	<input checked="" type="checkbox"/> <b>An Inclusive and Engaged Borough (CP1)</b> The entire Borough will be covered by an all encompassing enforcement policy.  <input checked="" type="checkbox"/> <b>Effective Service Provision (CP2)</b> Provides direction and focus for enforcement decisions.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Vision &amp; Values (V)</b>	<input checked="" type="checkbox"/> <b>Accountability (V1)</b> Policy makes all Enforcement Officers responsible for a course of action.  <input checked="" type="checkbox"/> <b>Respect (V2)</b> All persons that will meet enforcement and Licensing Officers will be provided with a respectful and transparent approach to dealing with the issues at hand.  <input checked="" type="checkbox"/> <b>Teamwork (V3)</b> Cross department methodology building teamwork within the departments.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Equalities &amp; Equality Assessment(s) (EA)</b>	There are no significant equalities implications.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	<input type="checkbox"/> <b>Not Applicable (EA)</b>

**Results of Public Space Protection Orders Consultation**

The Council undertook a consultation on the proposed Public Space Protection Order due to the repeal of the Councils Bylaws on dog fouling by statute under the Anti-social Behaviour Police and Crime Act 1.

The Council undertook a borough wide consultation through a survey monkey questionnaire on the Councils website. This was advertised by several Facebook notifications and twitter feeds. The survey ran from 18 July 2017 to 8 September 2017. In addition hard copies were left at Customer Contact Centre.

The results of the survey were:

- 138 responses via the survey monkey, 9 responses by hard copy
- % supporting continuing enforcement powers in: Parks 40%, Recreation Grounds 52%, Open Spaces 31%
- Enforce keeping dogs out of enclosed play areas 68%
- Enforce carrying poop bags 84%
- Enforce dogs on leads in designated areas 57%
- 87 expressed an opinion on the areas to be included in the PSPO but NO further areas would be added from the draft PSPO. However, 21 requested dogs be kept on leads at all times within the Borough being added
- Sanctions to be imposed for failing to pick up after a dog - FPN 92%, Education 66%, Community Payback 51%
- Sanction to be imposed for means of picking up after a dog – FPN 62% Education 50% Community Payback 33%
- Sanctions for allowing dogs in excluded areas - FPN 50%, Education 32%, Community Payback 28%
- Sanctions for dogs on leads in designated areas – FPN 56%, Education 35%, Community Payback 33%



# Oadby & Wigston

## BOROUGH COUNCIL

### THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

### THE PUBLIC SPACES PROTECTION ORDER (OADBY AND WIGSTON BOROUGH COUNCIL) 2017

Oadby and Wigston Borough Council (in this order called "the Authority") hereby makes the following Order:

This Order comes into force on Monday the **XXX** of **XXX** 2017 for a period of 3 years.

#### **Offences**

##### **1. Fouling**

If within the administrative area of the authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

- (a) They have reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

##### **2. Leads by order**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead unless

- (a) They have reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

##### **3. Leads**

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in Schedule 1 below he does not keep the dog on a lead unless

- (a) They have reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

#### **4. Means to pick up**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he/she does not have with him/her an appropriate means to pick up dog faeces deposited by that dog unless:

- (a) They have reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation is complied with if, after a request from an authorised officer the person in charge of the dog produces an appropriate means to pick up the dog faeces.

#### **5. Exclusion**

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 below unless

- (a) They have reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

#### **6. Exemptions**

Nothing in this order shall apply to a person who:

- (a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
- (c) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

For the purpose of this order:

- (a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) "An authorised officer of the Authority" means an employee, partnership agency or contractor of Oadby and Wigston Borough Council who is authorised in writing by Oadby and Wigston Borough Council for the purposes of giving directions under the order.
- (e) Each of the following is a "prescribed charity" –
  - Dogs for the Disabled (registered charity number 700454)
  - Support Dogs Limited (registered charity number 1088281)
  - Canine Partners for Independence (registered charity number 803680)



## **7. Penalty**

A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale

FINAL DRAFT

## SCHEDULE ONE

### The Keeping of Dogs on Lead

This order applies to all land described below:

<b>Map No.</b>	<b>Location Geographical Area</b>	<b>Area</b>	<b>Description</b>
<b>12</b>	St Peter's Churchyard	Oadby	Churchyard
<b>13</b>	5-15 London Road	Oadby	Blind Garden
<b>23</b>	Oadby Cemetery, Wigston Road, LE2 5QB	Oadby	Cemetery
<b>24</b>	Wigston Road Allotments, Wigston Road, Oadby, LE2 5JE	Oadby	Allotments
<b>25</b>	Brabazon Road Allotments, Brabazon Road, Oadby, LE2 5BN	Oadby	Allotments
<b>52</b>	All Saints Churchyard	Wigston	Churchyard
<b>53</b>	St Wiston's Churchyard	Wigston	Churchyard
<b>54</b>	Wigston, Welford Road, LE18 3TE	Wigston	Cemetery
<b>55</b>	Aylestone Lane Allotments, Aylestone Lane, Wigston, LE18 1AA	Wigston	Allotments
<b>56</b>	Manchester Gardens Allotments, Blunts Lane / Long Lane, Wigston, LE18	Wigston	Allotments

## SCHEDULE TWO

### Dog Exclusion Areas

This order applies to all land described below:

<b>Map No.</b>	<b>Location Geographical Area</b>	<b>Area</b>	<b>Description</b>
<b>57</b>	Ellis Park Bowls Green (inside Ellis Park, Brabazon Road, LE2 5BN)	Oadby	Bowls Green
<b>58</b>	Tennis Courts (inside Ellis Park, Oadby, LE2 5BN)	Oadby	Tennis Courts
<b>59</b>	Brocks Hill Country Park Small Play Area and Amphitheatre	Oadby	Play Area
<b>14</b>	Brocks Hill Country Park Natural Play Area	Oadby	Play Area
<b>15</b>	Iliffe Avenue Park	Oadby	Play Area
<b>16</b>	Florence Wragg Way	Oadby	Play Area
<b>17</b>	London Road Playground	Oadby	Play Area
<b>18</b>	Rosemead Park	Oadby	Play Area
<b>19</b>	Uplands Playing Field	Oadby	Play Area
<b>20</b>	Coombe Park	Oadby	Play Area
<b>21</b>	Ellis Park	Oadby	Play Area
<b>22</b>	Fox Hollow	Oadby	Play Area
<b>65</b>	Tennis Courts (inside Peace Memorial Park, Wigston, LE18 2PB)	Wigston	Tennis Court
<b>66</b>	Skate Park (inside Willow Park, Wigston, LE18 1AB)	Wigston	Skate Park
<b>30</b>	William Gunning Park	South Wigston	Play Area
<b>31</b>	Blaby Road Park	South Wigston	Play Area
<b>45</b>	Meadows	Wigston	Play Area
<b>46</b>	Poplars/Freer Park	Wigston	Play Area
<b>47</b>	Willow Park	Wigston	Play Area
<b>48</b>	Hayes Park	Wigston	Play Area
<b>49</b>	Attenborough Close	Wigston	Play Area
<b>50</b>	Two Steeples Square	Wigston	Play Area
<b>51</b>	Horsewell Lane Park	Wigston	Play Area

FINAL DRAFT



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 12 October 2017</b>	<b>Matter for Information and Decision</b>
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**Title:** **Licensing Team: Capacity and Other Issues**

**Author(s):** **Stephen Glazebrook (Interim Head of Communities)**

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**1. Introduction**

- 1.1. Members have raised concerns about capacity issues within the Licensing Team in light of the increasing number of taxi applications.
- 1.2. To help to address of the capacity and other related issues it is proposed to amend some of the existing procedures in relation to vehicle applications and driver competency tests.
- 1.3. It is also proposed to introduce child sexual exploitation and disability awareness training for all existing taxi drivers and all prospective applicants.

**2. Recommendation(s)**

- 2.1. The pass level for competency tests to be raised to 45/50 in respect of driver’s badges.
- 2.2. To introduce HPI checks for all new vehicle applications.
- 2.3. All new and renewal applications for vehicles to be subject to a visual inspection prior to being tested by an authorised testing station.
- 2.4. To introduce child sexual exploitation and disability training for all licensed drivers.

**3. Information**

- 3.1. In September 2017, the Department of Transport published the following statistics relating to OWBC licensed vehicles and drivers.

	<b>31/05/2015</b>	<b>07/09/2016</b>	<b>15/09/2017</b>
<b>Combined Drivers Licences</b>	168	291	349
<b>Hackney Vehicles</b>	59	197	218
<b>Private Hire Vehicles</b>	91	85	83

Currently there are 83 applicants (including 32 re-sits) waiting to sit competency tests.

3 renewal applications are waiting processing and 47 applications are awaiting additional information to be provided before licences can be granted.

Applications for combined Hackney and Private Hire Drivers badges are still increasing although the reasons are not quantifiable. Within the number of applications received there has been a rise in the number of applicants from those who have previously

been private hire drivers with Leicester City Council who after being granted a combined drivers badge are now opting to use Hackney Carriage vehicles. Legislation dictates we cannot limit the amount of driver badges we issue, however, having refreshed the written competency test the amount of successful drivers has decreased.

Historically the pass mark for both the driver's competency written test and that of the operator's competency written test was 45/50. For reasons unknown to the current Licensing Team, the driver's competency test now requires a lower pass rate of 40/50 as opposed to the high pass rate of 45/50 for an applicant wishing to be an Operator with the Borough.

Members are asked to consider and approve an increase in the drivers competency pass mark to 45/50 in line with the operator's license.

- 3.2. HPI Checks are a vehicle history check which will allow the Authority to check the insurance database to ascertain any damage history and the status of any prospective vehicle. The present application policy for vehicles does not include the checking of the insurance status of vehicles. A HPI check will establish whether a vehicle has been involved in an accident and the insurance category placed on it by the insurance company. There are different types of car insurance write off.

<b>Category A</b>	Scrap Only – For cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed
<b>Category B</b>	Body shell should be crushed. Signifies extensive damage, although some parts are salvageable. Should never re-appear on the road, although reclaimed parts can be used in other road-going vehicles
<b>Category C</b>	The vehicle is repairable but the cost exceeds the vehicles value. Can re-appear on the road
<b>Category D</b>	The vehicle is repairable but repair costs are significant compared to the vehicle value – including time delays to source parts. Can re-appear on the road

Recently applications have been received for vehicle's which have previously been categorised as a Category C or D by the Insurance industry to be Hackney Carriage vehicles. To maintain the high level of public safety and public confidence it is recommended that all new applications for Hackney and Private hire vehicles are HPI checked and those which have been classified as C or D should be checked by an independent company such as Auto Line who have the facilities to rigorously check repaired vehicles and where applicable remove the Category C or D Status and a certificate issued to that effect. Any vehicle which fails to have the Category C or D status removed should be refused at application stage.

- 3.3. Age Limits of Vehicles – the present policy allows vehicles less than 5 years of age to be licensed without a visual inspection by the Licensing Team. Recently it has been noted on receiving inspection reports from the approved MOT Testing Stations that although vehicles have passed the mechanical inspection the exterior and internal standard of vehicles has not been high. It is therefore recommended that all vehicles should undertake a visual inspection by the Licensing Officers to ensure that the vehicles licensed are of a high standard both inside and out. At present the vehicle policy does not licence vehicles over 11 years old unless a visual inspection has been

completed by a Licensing Officer and strict criteria is adhered to. It is recommended that the same criteria is applied to all new vehicle applications and renewals applying to be Hackney Carriages or Private Hire vehicles. There is a fee payable by the applicant for this inspection on application of £30.00.

- 3.4. The work load in respect of vehicles and driver applications has more than doubled since March 2015 this is in addition to the other duties of the Licensing Team e.g. work associated with the Licensing Act 2003, Gambling Act 2005, Animal Boarding, etc. In order to fully assess the workload it is proposed to carry out a full review of the systems and working practices within the Licensing Team to ensure that the team are working as "SMART" as possible which will inform the optimum staffing levels required in respect of administration and enforcement.
- 3.5. Following national concerns, OWBC is considering how it can act to prevent Child Sexual Exploitation (CSE) in the Borough. It is proposed that all licensed taxi drivers should be required to undertake a half day training course. This would focus on preventing CSE, but would also include information on other areas, such as disabled access to taxis and other licensing requirements.
- 3.6. There are approximately 349 licensed drivers. It is proposed that the drivers would be trained within 12 months of implementation of the policy. Drivers would be required to undertake the training within 3 months of the renewal of their licence. Training courses would run monthly, to give a choice of dates. If a driver does not undertake the training, then their licence would be suspended unless they could offer a reasonable explanation of why they had not taken up the training or had made arrangements to attend the course in the near future.
- 3.7. New drivers would be required to undertake the training within 3 months of being granted their licence. Again, their licence would be suspended if they did not attend the training.
- 3.8. It is proposed to use an external training provider, who is currently providing CSE training to Leicester City Council and other neighbouring authorities.
- 3.9. It is proposed to pay for the training from the taxi licensing income and the costs will be added to the application fee for new driver's licences.
- 3.10. It is likely that a number of drivers would book and fail to attend the training course, or want to change dates at short notice. This would inevitably increase costs and it would therefore be necessary to levy a penalty charge in these circumstances.
- 3.11. All hackney carriage, private hire vehicle, drivers and operator licence holders will be consulted on the proposals. The outcome of the consultation will be reported at the next Licensing and Regulatory Committee.

#### **Background Documents:**

Local Government (Miscellaneous Provisions) Act 1976, section 70 - Fees for vehicle and operators' licences.

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<b>Implications</b>   Licensing Team: Capacity and Other Issues	
<b>Finance</b>	There are no significant financial implications.
<b>Chris Raymakers</b> (Head of Finance, Revenues and Benefits)	
<b>Legal</b>	There are no significant legal implications.
<b>Martin Hone</b> (Interim Director of Services)	
<b>Corporate Risk(s) (CR)</b>	<input checked="" type="checkbox"/> <b>Decreasing Financial Resources (CR1)</b> The additional cost of providing the CSE and Disability Training will be met from increased license fees. <input checked="" type="checkbox"/> <b>Reputation Damage (CR4)</b> Failure to ensure that the Council has taken all reasonable steps to prevent sexual exploitation in the Borough could damage the Council's reputation. <input checked="" type="checkbox"/> <b>Organisational/Transformational Change (CR8)</b> A full review of procedures and working practices will be carried out to ensure that the team is working effectively.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Corporate Priorities (CP)</b>	<input checked="" type="checkbox"/> <b>Effective Service Provision (CP2)</b> The updated procedures will support effective service delivery.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Vision &amp; Values (V)</b>	<input checked="" type="checkbox"/> <b>Accountability (V1)</b> Policy and procedures makes all Licensing Officers responsible for implementation. <input checked="" type="checkbox"/> <b>Respect (V2)</b> The actions being taken to ensure that vehicles are roadworthy will assist the Council in delivering a safer Borough for residents.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Equalities &amp; Equality Assessment(s) (EA)</b>	There are no significant equalities implications.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	<input checked="" type="checkbox"/> <b>Not Applicable (EA)</b>