

**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



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Chair
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Thursday, 12 October 2017
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