

**MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD
AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 5 APRIL 2018
COMMENCING AT 6.30 PM**

PRESENT

Councillor Mrs L M Broadley (Chair)

COUNCILLORS

G A Boulter
M H Charlesworth
J Kaufman
Mrs H E Loydall

OFFICERS IN ATTENDANCE

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

24. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors E R Barr, Mrs K M Chalk, Miss M V Chamberlain and R F Eaton.

25. DECLARATIONS OF INTEREST

None.

26. MINUTES OF THE PREVIOUS MEETING HELD ON 25 JANUARY 2018

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting of the Committee held on 25 January 2018 be taken as read, confirmed and signed.

27. ACTION LIST ARISING FROM THE MEETING HELD ON 25 JANUARY 2018

The Committee was advised that it would be difficult to justify the implementation of a policy requiring all hackney carriage vehicles to be compliant with the Equality Act 2010 for passenger accessibility or to be a specific colour as this would involve a considerable amount of expenditure that would yield only a relatively small benefit.

The Committee was informed that Officers had attended the last meeting hosted by the Leicestershire District Partnership Environmental Enforcement Forum on 22 March to devise a campaign across Leicestershire to target fly-tipping. Further details regarding the campaign are provided in the report at agenda item 6, paragraph 3.5.

Members requested that a clear definition of what constituted "household waste" was needed in order to clarify what was subject to charging at waste disposal sites.

The Committee was informed that a Letterbox article advising residents to first check if waste disposal firms held the relevant permits was necessary as householders were ultimately liable for the person(s) to whom they entrust the disposal of their waste.

The Committee was advised that the Council did not have any plans to introduce three, free bulk waste collections per year and that discretionary relief for the charging of the collection of bulk waste was available to those of limited means.

The Committee was advised that reports of private hire vehicles parking in the taxi ranks and other parking spaces on Leicester Road, Wigston had been investigated.

The Committee was advised that all Oadby and Wigston operators had been written to reminding them about their responsibilities under the law and policy for accepting assistance dogs and not charging an increased fare for disabled passengers.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List be noted by Members.

28. PETITIONS AND DEPUTATIONS

None.

29. CORPORATE ENFORCEMENT UPDATE

The Committee gave consideration to the report (at pages 7 - 14) as delivered and summarised by the Environmental Health & Licensing Team Leader which should be read together with these minutes as a composite document.

Dog Fouling

A verbal update was provided at the meeting which informed the Committee that between January and March 2018, a total of 26 dog-related service requests had been received: only one request related to dog fouling and three requests related to aggressive dogs. All service requests were said to have been dealt with efficiently.

It was raised by the Committee and advised upon by Officers that in view of reports by Members of a number of persistent dog fouling offenders at particular hotspots in the Borough, the review and tendering of the stray dog service contract was to include an enforcement element whereby action could be targeted accordingly.

Public Space Protection Orders (PSPO's)

The Committee noted its concern regarding the delay in bringing forward the enactment of the PSPO since its approval at Full Council on 22 February.

The Committee was advised that the final stages of the PSPO's implementation required the erection of bespoke signage which could not have been ordered until the detail of the PSPO was approved. Members were assured that the signage would be erected and an enactment date confirmed as soon as reasonably practicable.

Pest Control Service

The Committee was advised that a full and up-to-date financial appraisal in respect of the service, including a year-on-year analysis identifying any service trends, was brought back to the Committee in July so that a view could then be taken as to its commercial viability in terms of any significant capacity to generate additional income or to breakeven in the future taking into account seasonal variations in demand.

It was reported that the current financials as set out in the report were a true reflection of the service's income due to upfront payments being taken in accordance with the revised scales of fees and charges which were effective from 1 July 2017. It was also said that opportunities to promote and secure large commercial contracts were to be taken by Environmental Health Officer (EHO's) whilst out on fieldwork.

Fly-Tipping and Abandoned Vehicles

The Committee requested that a further breakdown of information be provided to Members in terms of how many reports of incidents perceived to be fly-tipping and abandoned vehicles were in fact deemed by Officers to be such incidents.

Food Hygiene

It was raised by the Committee and advised upon by Officers that, having been awarded a food hygiene score of '0', steps were being taken by the Satya Restaurant in Oadby to improve their rating. It was said that the restaurant's next inspection was due in three months, unless requested earlier by the restaurant, and that its progress was being closely monitored by EHO's during the interim period. If serious concerns remained, the option to serve a notice to force closure was available.

New Legislation/Policy

The Committee was advised that the introduction of the new Energy Performance Certificates requirements was a regulatory function under the remit of Environmental Health which affected both private and social housing. Information concerning the latter was said to be reported to the next meeting of the Service Delivery Committee.

The Committee was advised that under the Licensing of Houses in Multiple Occupation (HMO) (Prescribed Description) (England) Order 2018, the definition of a HMO was to be widened to include any property occupied by five or more people forming two or more separate households and that enforcement action would be taken against any person without the appropriate HMO license after 2 October. It was said that statutory protection from retaliatory eviction did exist should tenants lodge complaints regarding landlords' non-compliance with licensing requirements.

Licensing

The Licensing Enforcement Officer provided the Committee with a verbal update in relation to work undertaken by the Licensing Section between January and March 2018, a summary of which is filled together with these printed minutes at Annex A.

It was raised by the Committee and clarified by Officers that Members could continue to attend joint taxi-licensing enforcement activities as by-standers only. The Chair noted the educational value such opportunities afforded to new committee members.

Miscellaneous

It was raised by the Committee and advised upon by Officers that in view of a concern

regarding the inconsistent regulation of the Borough's highways and car parks, the outsourcing of an "all-round" enforcement package could be investigated.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted by Members.

30. LICENSING OF SCRAP METAL DEALERS AND COLLECTORS

The Committee gave consideration to the report and appendix (at pages 15 - 26) as delivered and summarised by the Licencing Officer which should be read together with these minutes as a composite document.

The Committee was advised that a licensed scrap metal site or mobile collector was not entitled to receive or take scrap metal from any person without their consent or before verifying their name and address. It was also said that licence holders were required to keep a record of all scrap metal received and disposed of for 3 years.

The Committee raised concerns insofar as there were: a number of scrap metal collectors within the Borough without the appropriate licence; a number of scrap metal sites within the Borough believed to be holding the appropriate licence yet did not feature at paragraph 3.2 of the report; and one scrap metal dealer named at paragraph 3.2 had been issued with two licences contrary to the Council's adopted Licensing of Scrap Metal Dealers Policy ("the Policy").

Officers assured Members that further investigations would be undertaken in response to the concerns raised and would report back to the Committee. Further clarification of the Policy with reference to the legislation was also to be provided.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted by Members.

31. EXCLUSION OF PRESS AND PUBLIC

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The press and public be excluded from the remainder of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item(s) below on the grounds that it involved the likely disclosure of exempt information, as defined in the respective paragraph(s) 1, 2 and 7 of Part 1 of Schedule 12A of the Act and, in all the circumstances, the public interest in maintaining the exempt item(s) outweighed the public interest in disclosing the information.

32. ASBESTOS CONTAMINATION AT MARSTOWN AVENUE, SOUTH WIGSTON (VERBAL UPDATE)

The Committee gave consideration to exempt verbal update as delivered by the Head of

Law & Governance / Monitoring Officer in closed session.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The exempt verbal update be noted by Members.

The Committee expressed its retirement wishes to the outgoing Licensing Officer.

THE MEETING CLOSED AT 8.10 PM



Chair

Thursday, 12 July 2018

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Corporate Enforcement Update

Verbal Update of the Licensing Enforcement Officer

Since the last Committee in January.

Vehicles

Licensing has processed 30 new vehicles and 32 vehicle renewals. 8 vehicles failed inspection.

Drivers

On the 4 April, 8 new applicants sat the competency test of which only a 1/4 of the people passed.

From the 1 January 2018, all new applicants have to undergo Child Sexual Exploitation (CSE) training session prior to a driver's badge being issued. In addition to this, all applicants who applied prior to January but had not passed the competency test are being made to undergo CSE training prior to issuing a badge.

Renewal applications will not be completed until the CSE input has been completed. Renewal letters are being sent out with course dates attached to ensure that the drivers are not disadvantaged.

There are monthly CSE sessions.

We are presently processing:

- 58 applications awaiting the applicant to pass the competency test who have previously failed;
- 27 applicants are booked onto the 9 May competency test; and
- 10 applicants are booked onto the 6 June competency test.

If the applicants do not have a good comprehension of the English language, there is little chance of them passing the revised competency test.

Enforcement

There are presently 3 complaints from members of the public appertaining to our drivers which are being investigated: one is subject to sub judice, but will be progressed when appropriate.

Officers have been out to the taxi rank on Leicester Road, Wigston which is outside of the Co-Op funeral building. On none of the occasions a visit was made were there any private hire vehicles. There were however, unattended hackney carriages and those drivers located were advised that they can only use the rank if they remain with the vehicle and are ready to be hired.

Regular visits to Bell Street, Wigston have been made in relation to shops leaving wire york carriages outside the Peace Memorial. A community Protection Warning notice has been issued and since the date of issue, there have been no reoccurrences.

The next joint taxi operation is scheduled for the 26 April 2018 at East Midlands Airport, which is being hosted by North West Leicestershire District Council.

In relation to local Oadby and Wigston joint enforcement operations, a meeting has been arranged for Tuesday 10 April, when the calendar for operational dates will be agreed with the Neighbourhood Policing Area (NPA) Commander.

Upon speaking, to the NPA Commander Insp Cawley, in relation to the request that new Councillors be allowed to attend joint operations. He has stated that he is not prepared to allow/authorise Councillors to be involved in joint enforcement operations as the potential to operational risk is too high. However, he stated that Leicestershire Police operated a Lay Observers scheme which would allow Councillors to observe the Police in action but not in enforcement roles.

A letter has been sent to all taxi operators outlining their duties and responsibilities in relation to disabled passengers and assistance dogs. To date, OWBC have not received any complaints.

A premises Licence was granted on the 3 April 2018 to Lidl in South Wigston.