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17th June 2016

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **MONDAY 27th JUNE 2016** at **6.00 p.m.** in the **COUNCIL CHAMBER**, District Council House, Lichfield to consider the following business.

Yours faithfully



Strategic Director

To: **Members of Regulatory and Licensing Committee:**

Councillors B Yeates (Chairman), Warfield (Vice Chairman), Mrs Baker, Mrs Barnett, Drinkwater, Mrs Eagland, Mrs Evans, Miss Fisher, Humphreys, Leytham, O'Hagan, Miss Shepherd, Smedley, Mrs Stanhope MBE, A. Yeates.

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. To approve as a correct record the Minutes of the Meeting held on the 10th February 2016 (Copy attached)
4. Feedback from Lichfield City Council regarding Market Charter (Verbal update)
5. Local Air Quality Management Declaration of Air Quality Management Area – A38, Wall Island To Alrewas (Copy attached)
6. Work Programme (Copy attached)

Briefing Papers

Members have asked that we seriously address the use of agendas – both the length and the volume. One of the ways is to provide certain items in a format. The suggestion is that we will from time to time provide briefing papers for members on issues on which Members need to be informed. This is an alternative to placing items on the agenda, enabling us to focus the meetings on the business in hand.

If Members wish the paper to be discussed it can then be scheduled for a future meeting or individual briefings arranged however, Members must give specific reasons for their request.

List of Briefing Papers Issued Separately

HS2

Food Safety Plan 2014-16 Evaluation

REGULATORY AND LICENSING COMMITTEE

10 FEBRUARY 2016

PRESENT: Councillors B.W. Yeates (Chairman), Salter (Vice-Chairman), Mrs Baker, Mrs Barnett, Drinkwater, Mrs Eagland, Mrs Evans, Leytham, O'Hagan, Miss Shepherd, Smedley, Mrs Stanhope MBE, Warfield and A. Yeates

AN APOLOGY FOR ABSENCE was received from Councillor Mrs Constable.

177 DECLARATIONS OF INTEREST

Councillor Drinkwater declared a non-pecuniary interest in Item 4 as he had a relative that worked at Ansons.

Councillor Warfield declared a non-pecuniary interest in Item 6 as his wife is the secretary for the Bower Committee

Councillor Leytham declared a non-disclosable pecuniary interest in Items 8 and 9 and did not take part in discussions or votes.

178 MINUTES

The minutes of the meeting held on 25th November 2015, as printed and previously circulated were taken as read, approved as a correct record and signed by the Chairman.

179 PROPOSED DIVERSION OF PUBLIC BRIDLEWAY NO 21 IN THE PARISH OF LONGDON

Consideration was given to the proposed diversion of Public Bridleway No 21 in the Parish of Longdon which was being sought by Ansons Solicitors on behalf of the property holders at Holly Farm, Chorley. It was reported that the diversion was necessary to confirm the route of an existing track as the official route for the Bridleway which had been in use for several years.

It was noted that there had been no objections received and the process had not affected the transfer of Gentleshaw Common to the Staffordshire Wildlife Trust.

RESOLVED: (1) That a Public Bridleway Diversion Order be made under the Highways Act 1980 Section 119 to be known as The Lichfield District Council (Bridleway No. 21 in the Parish of Longdon) Public Bridleway Diversion Order 2016; and

(2) That the Strategic Director – Democratic, Development and Legal Services be authorised to take all necessary action.

180 THE GAMBLING ACT 2005 – FINAL STATEMENT OF PRICIPLES (GAMBLING POLICY

The Committee received a report on comments received during the recent consultation exercise relating to the Statement of Principles (Gambling Policy) along with a revised policy.

It was reported that the draft policy had been written in line with other Staffordshire authorities to ensure consistency. It was also reported that representations had been received following the consultation and these comments had been incorporated where necessary within the policy.

Members asked how risk assessments would be checked and it was reported that it would be a new requirement from April for licencees to share their risk assessments with the licensing authority when applying for a new premises licence or varying an existing premises licence. They would most likely come in different formats and so would be for the Licensing Manager to be satisfied that one was submitted. The requirement to produce a local risk assessment is a condition of a gambling operator's licence issued by the Gambling Commission and would therefore be up to the Gambling Commission to judge it acceptable.

It was noted when asked that one single building may have different gambling premises licenses within it, providing that the plans clearly define the area relating to each licence. For instance where an Adult Gaming Centre and a Family Entertainment Centre were located in the same building each licence would have different licence conditions attached to it, setting out for example that different entrances were used to each premise so that customers could not access one premises directly from another.

RESOLVED: That the final revised Statement of Principles (Gambling Policy) be approved and forwarded to Council for ratification at its meeting on the 23rd February 2016.

181 STREET COLLECTIONS 2016

The Committee received a report seeking approval for the allocation of Street Collection Permits for 2016. It was noted that Officers tried to limit the amount of Collections and ensured there was not a concentration of collectors in any one area of the District.

It was noted that report requested bulk approval for all applied for collections and any ad hoc applications would be approved by the Chairman of the Committee.

RESOLVED: That Street Collection permits be allocated in accordance with list as shown on Appendix A to the report.

182 THE FOOD SAFETY SERVICE DELIVERY PLAN 2016-18

The Committee received a report seeking approval for the Food Safety Service Delivery Plan for 2016-18. It was reported that Delivery Plans were essential to ensure national priorities and standards were addressed and delivered locally, taking into account local needs.

It was reported that an Equality Impact Assessment had taken place and a small number of minor changes would be made to terminology as a result.

The priorities of the plan and areas of work over the next two years were outlined to Members. The Committee asked officers to confirm they were confident that the plan could be delivered; reassurance was provided that at current resource levels the plan is deliverable although unforeseen circumstances could change this including financial pressure or loss of staff. Members wished to have it recorded that they hoped there would be no budgetary cuts to this very important statutory function. The Strategic Director for Community, Housing and Health reminded Members that savings had already been identified which had contributed towards the Fit for the Future programme in phase 1. Having regard to the statutory nature of the service and the importance of the local food economy, there would be limited scope to make further reductions.

It was noted that out of 209 infectious disease notifications received, one had progressed to investigation with a possible prosecution pending.

It was reported that the food testing laboratory at Good Hope Hospital may be closed by Public Health England (PHE) with samples needing to be sent elsewhere in the country. Officers had attended consultation events regarding the proposed closure and voiced their concerns that this would result in a significant reduction in ad hoc testing. It was noted that PHE were looking at the proposal again but no decision had been made as yet. It was agreed that the Committee write to PHE to reinforce the view that the facility at Good Hope Hospital was essential for the effective running of the Food Safety service at Lichfield District.

With reference to food premises interventions, it was asked if there were more issues with takeaways than with restaurants. Officers advised that the position constantly changes and that is why it is important to have the inspection reports on the Rate My Place website so that consumers can access the most up to date information and ratings. It was noted that there was a national campaign to require all premises in England to display their current rating in line with what currently happens in Wales.

It was asked if waste enforcement was included in inspections and it was reported that Officers ensure waste is contained in bins and that a contract for its disposal is in place.

It was noted that a premise would only be closed if there was an imminent risk to the public.

RESOLVED: That the Food Safety Service Delivery Plan 2016-18 be approved.

183 STREET TRADING

The Committee received a report updating Members on the outcome of the consultation on the Draft Street Trading Policy, seeking agreement that the Policy become effective from 1st April 2016 and seeking agreement that all streets within the District with the exception of the A38 be designated as consent streets.

It was reported that changes had been made to the draft policy following the previous meeting of the Committee and that pre-consultation events had taken place with traders and event organisers which had allowed for many issues to be addressed before the official consultation period began. It was noted that overall, 62 responses were received from the consultation.

It was noted that Environmental Health have regulated street trading since the 1980's. However, this is the first standalone transparent policy.

Special events were discussed and it was reported that an extra section of the policy had been added to address this along with a proposal for reduced fees if defined criteria are met. This would include having a designated event organiser and the event having an economic benefit to the area. It was reported that the fees for special events would be less than the daily rate for street trading owing to the economies of scale which could be achieved. It was also reported that there was an option to have the special event fees subsidised by the District Council because these events make significant contributions to the local economy and can attract many visitors to the area. It was noted that this subject would be considered further in the next item.

When asked it was reported that it was standard practice to ask an organisation for the previous year's accounts to ensure any subsidy was not being used for purely profitable reasons.

Consent streets were discussed and it was asked if traders would be charged twice by the District Council and then the landowner. It was reported that any fee for the use of land would be at the landowner's discretion. With reference to land owned by Lichfield City Council, a copy of their Market Charter had been requested but not yet received. Any land subject to that Charter would be outside the street trading policy regime. It was agreed that the Committee would formally request a copy of the Market Charter from the City Council. However, any fees a private land owner applies to a hirer is a private matter between those parties.

- RESOLVED:** (1) That all streets in the Lichfield District be designated as 'consent streets' for the purposes of street trading, except the A 38, from the 1st April 2016;
- (2) That the Street Trading Policy be approved; and
- (3) That the Street Trading Policy be effective from 1st April 2016.

184 REVIEW OF LICENCE AND OTHER FEES AND CHARGES BY ENVIRONMENTAL HEALTH 2016/17

The Committee received a report seeking approval on the proposed fees and charges for the Environmental Health functions for statutory consultation for the forthcoming financial year 2016/17. The report also sought approval for the statement of principles to be used when deciding on the amount of a penalty charge under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

It was reported that fees were calculated on the cost of providing the service only and not for profit as the law currently dictated.

It was noted that there were a number of new fees added including for noncompliance with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. It was noted that penalty fines were consistent with other authorities in Staffordshire.

It was reported that it was proposed that the fee for purchasing Radar Keys for disabled toilets was to increase from £3 to £10 to cover the cost of the key and handling/processing costs. After discussion, it was agreed that this increase should remain given that customers have a range of choices about where they purchase a radar key from.

Street trading fees and specifically for special events was discussed further and it felt that it should be for Full Council to decide whether the fees should be subsidised by the District Council.

It was noted that the annual renewal fee for sex establishments would reduce as there was only one premise in the district which did not require a high level of regulation.

RESOLVED: (1) That the statutory consultation for the fees and charges for the Environmental Health functions for the forthcoming financial year 2016/17 be approved;

(2) That the statement of principle for setting the penalty charge under the Smoke and Carbon Monoxide Alarm (England) regulations 2015 be approved;

(3) That the fees and charges for the Environmental Health functions be set in accordance as those detailed in Appendix A to the report for the forthcoming financial year 2016/17.

(4) That the Environmental Health Manager in consultation with the Chairman and Vice Chairman of the Regulatory and Licensing Committee be authorised to set or amend the fees and charges in consideration of any consultation responses received;

(5) That Full Council consider whether the cost of consenting street traders taking part in Special Events should be met in full by Lichfield District Council and provision for this additional cost be accommodated within the Medium Term Financial Strategy; and

(6) That the Environmental Health Manager in consultation with the Chairman and Vice Chairman of the Regulatory and Licensing Committee be authorised to set on an interim basis any new fees and charges that may arise during the year.

185 WORK PROGRAMME

The work programme was considered and it was noted this was the last meeting of the Municipal year.

RESOLVED: That the Work Programme as submitted be agreed.

186 VOTE OF THANKS

In light of the meeting being the last of the municipal year, the Chairman wished to express his gratitude to Officers and members of the Committee for their help and support over the past year. The Committee also articulated the same and it was proposed, duly seconded and

RESOLVED: That the sincere thanks of the Committee be recorded to all the Chairmen and Vice-Chairmen for their work during the past year.

(The meeting closed at 7.10 pm)
CHAIRMAN

REGULATORY & LICENSING COMMITTEE

Date: 27 June 2016

Agenda Item: 5

Contact Officers: Gareth Davies / Neil Wait

Telephone: 01543 308755 / 734

SUBMISSION BY GARETH DAVIES - ENVIRONMENTAL HEALTH MANAGER

**LOCAL AIR QUALITY MANAGEMENT
DECLARATION OF AIR QUALITY MANAGEMENT AREA – A38, Wall Island to Alrewas**

1. Purpose of Report

- 1.1 To advise the Committee of developments since the previous Air Quality Update presented on 4 February 2015.
- 1.2 For Members of decide whether to declare an Air Quality Management Area along the A38, Wall Island and the District boundary north of Alrewas.

2. Background

2.1 Members were advised at the 4 February 2015 air quality update that:

- *Each Local Authority has a statutory duty to complete annual air quality reports and submit them for approval to the Department of the Environment (Defra). Defra then collate the information to make a single UK submission to the EU to report the national level of compliance to the EU Air Quality Directive.*
- *Our annual reports must assess a range of air quality pollutants within Lichfield District and compare them against the standards cited in the European Directive. If potential exceedances are identified then a site specific Detailed Assessment is required which will conclude whether an Air Quality Management Area (AQMA) should be declared.*
- *The 2014 A38 Fradley Detailed Assessment is a site specific Detailed Assessment of a small residential area (four properties) adjacent the A38 at Fradley.*
- *The Fradley Detailed Assessment concluded that an Air Quality Management Area (AQMA) should be declared.*
- *The report was submitted to Defra in June 2014 for approval. Feedback is still awaited. The report went through the statutory consultation process, which also included the four households at Fradley and the Parish Council. No adverse comments were received. Once Defra approve the report, the procedure to declare the new AQMA at Fradley will commence.*
- *The Action Plan for the existing AQMA at A5 Muckley Corner is currently in production. It is estimated that it will be completed by April 2015. It will include a range of possible actions to improve air quality plus an assessment of those actions*

3. Current Situation

- 3.1 The awaited Defra evaluation for the 2014 A38 Fradley Detailed Assessment was received in June 2015. The evaluation stated that Defra requests the Council to conduct an additional air quality modelling exercise in addition to the monitoring already undertaken before declaring the Air Quality Management Area.
- 3.2 Officers have completed this task which resulted in the publication of a revised A38 Fradley Detailed Assessment dated November 2015. The report followed the statutory consultation process (no comments received) and was submitted to Defra for approval.
- 3.3 The revised report still concludes that an Air Quality Management Area is required at the A38 Fradley, but now recommends that the whole section of A38 between Wall Island and the District boundary north of Alrewas is declared.
- 3.4 The Council received Defra feedback in January 2016 that the recommendation in the revised report were now accepted, and that the Council should now make the AQMA declaration.
- 3.5 Following declaration of an AQMA, the Council then has to complete an Action Plan. At the February 2015 meeting Members were advised that the Action Plan for the 2008 AQMA at A5 Muckley Corner was being reviewed.
- 3.6 As the need for a Fradley AQMA is a result of the same issues that triggered the A5 AQMA, i.e. A-road commercial / HGV volumes, then it is a sensible approach to make the Action Plan a joint plan to tackle the same core issue. Therefore, subject to Members approval, following the declaration of the A38 Wall Island to Alrewas AQMA officers will finalise a joint Action Plan for consultation.
- 3.7 The Action Plan will contain identified actions targeted to reduce pollution within the AQMA's with the aim of reducing it below the prescribed air quality limits. One action, for example, will be the continuation of the Staffordshire & Stoke ECO-Stars Scheme which is a project specifically designed to tackle freight pollution and is currently grant funded by Defra.

4. Risk Management Issues

Risk	Likelihood/ Impact	Risk Category	Countermeasure	Responsibility
Not meeting statutory air quality duty due to lack of budget	Low	Financial	Planning and seeking external funding	Service Manager
Extended designation impact of air quality management area to more residential properties	Low	Financial	Planning	Service Manager

5. Recommendation

- 2.1 Members are requested to note the contents of the report.
- 2.2 The Members approve the declaration of an Air Quality Management Area along the A38, Wall Island to Alrewas (**Appendix A**: draft AQMA order)

Background Documents:

Lichfield DC Air Quality reports – all available at www.lichfielddc.gov.uk/airquality

APPENDIX A – draft Air Quality Management Area Order No. 2, 2016.



Environment Act 1995 Part IV Section 83(1)

Air Quality Management Area Order No. 2, 2016.

A38, Wall Island to Alrewas: Nitrogen Dioxide

Lichfield District Council, Frog Lane, Lichfield, Staffordshire, WS13 6YY, in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order:

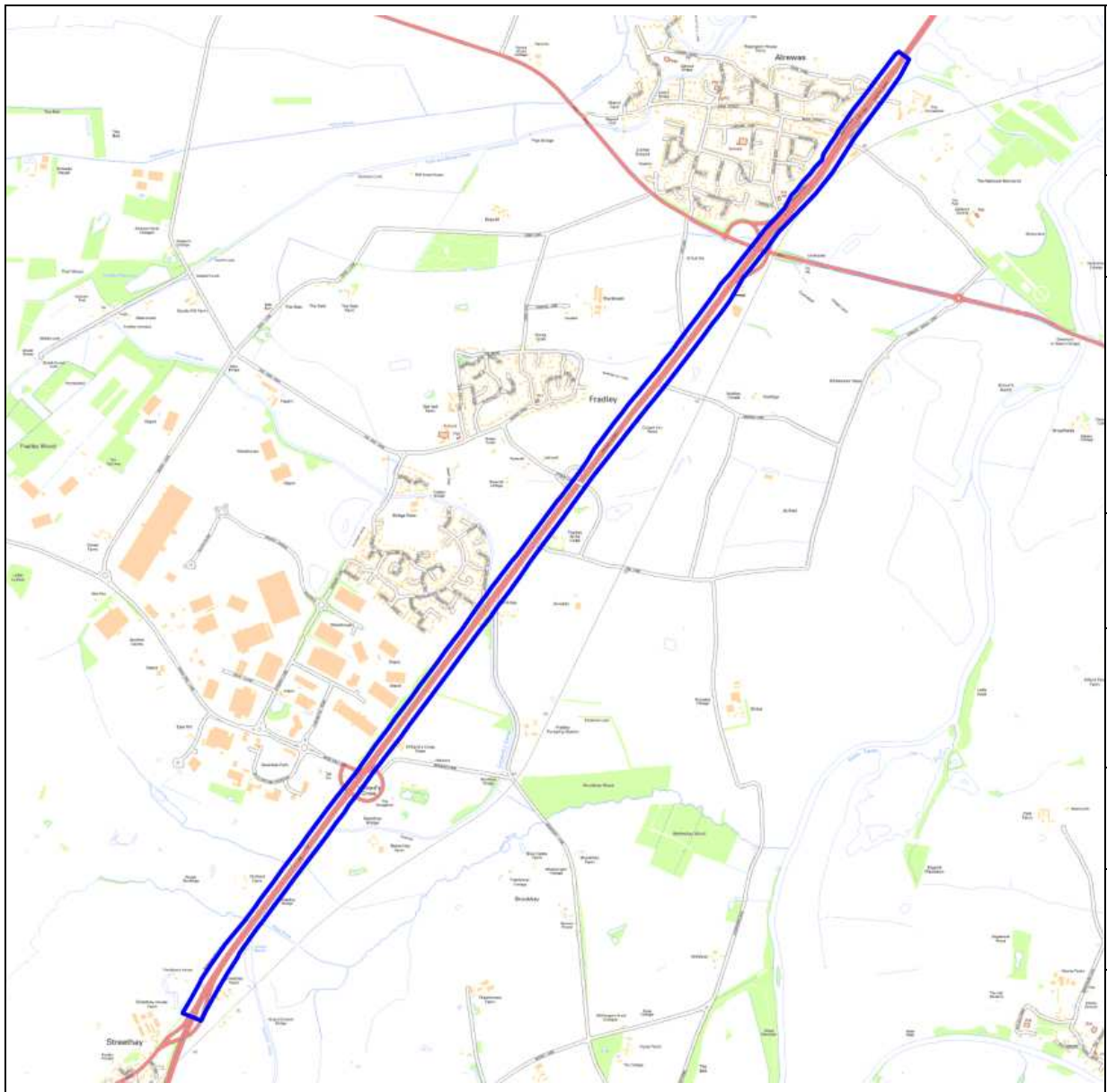
1. This Order may be cited as the Lichfield District Council Air Quality Management Area Order No. 2 and shall come into effect on the 1 August 2016.
2. The area shown on the attached map in blue is to be designated as an air quality management area (the designated area). The designated area incorporates the A38, Wall Island to Alrewas. The map may be viewed at the Council Offices.
3. This Area is designated in relation to a likely breach of the nitrogen dioxide (annual mean) objective as specified in the Air Quality Regulations 2000.
4. This Order shall remain in force until it is varied or revoked by a subsequent order.

The Common Seal of Lichfield District Council was hereto affixed in the presence of:


Signed
Member of Council

Signed
Strategic Director - Democratic, Development and Legal Services

Dated



Legend

 AQMA No. 2
A38 Wall Island to Alrewas

Contains Ordnance Survey Data Crown Copyright and Database Right [2016]



Air Quality
Bureau Veritas
5th Floor
66 Prescott Street
London, E1 8HG

Location

A38, Wall Island to Alrewas

Title

AQMA No. 2 A38 Wall Island to Alrewas

By

MN

Approved

AW

Scale

NTS

Ref

6323533

Date

June 2016

