

# REGULATORY AND LICENSING COMMITTEE

5 JULY 2018

## PRESENT:

Councillors B Yeates (Chairman), O'Hagan (Vice-Chair), Mrs Constable, Drinkwater, Mrs Evans, Humphreys, Salter and Miss Shepherd

## 1 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs Bacon and Councillor Mrs Stanhope MBE.

## 2 DECLARATIONS OF INTEREST

There were no declarations of interests.

## 3 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 6 February 2018, as printed and circulated, were taken as read, approved and signed by the Chairman.

## 4 WORK PROGRAMME

The Work Programme for 2018-19 was considered and it was agreed to add:-

- Review of the Gambling Policy – 4 October 2018;
- Taxi Licensing Policy – 4 October 2018; and
- Street Trading Policy Update – 4 October 2018.

## 5 REGISTRATION OF SPECIAL TREATMENTS POLICY

The committee received the report and draft Registration of Special Treatment Policy. It was noted that this policy was recommended to go out to consultation to Staffordshire Police, Staffordshire County Council and Ward Members and would also be posted on the Lichfield District Council website for consultation. Discussions took place around the need to regulate these treatments and the importance of these procedures being done properly. Minor amendments were discussed at paragraph 3.2 in the Report and 5.1 in the Policy. The committee queried if this would be an opportunity to include face painting as well as previously minuted they were uneasy about the fact that face painting was being carried out at events with no checks and concerns were raised about potential adverse reactions from counterfeit products and some forms of henna used.

**RESOLVED:** (1) The Committee approved the new special treatments policy for consultation subject to the minor amendments discussed and the inclusion of fees being mentioned;  
(2) Susan Bamford to investigate the inclusion of face painting in the policy.

## 6 CHARITABLE COLLECTIONS LICENSING POLICY

The committee received the report and draft Charitable Collections Policy 2018 which was also recommended for consultation. It was agreed that this policy would give Lichfield District Council greater control to regulate house to house collections and street collections and ensure consistency in the decision making. The committee agreed it was a very good idea as a lot of people are being deceived on their own doorstep. A query was raised regarding the reference to the exclusion of Three Spires and whether this also applied to Burntwood Shopping Centre. The committee was advised that this was because permission to collect in the Three Spires Shopping Centre must be sought from Three Spires. The officer confirmed that this would be further investigated.

**RESOLVED:** The Committee approved the new Charitable Collections policy for consultation.

## **7 SCRAP METAL DEALERS LICENSING POLICY**

The committee received the report and draft Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers and was advised that the licensing of Scrap Metal Dealers was a Cabinet function. The policy was therefore presented for the contribution of the committee. The policy outlined the requirements of the Scrap Metal Dealers Act 2013 and also gave guidance to new applicants, existing licence holders, consultees and members of the public as to how the Council will administer and enforce the requirements of the Act.

Discussions took place around the scrap metal dealers and fly tipping and concerns were raised about fly tipping. Mr Twomey advised the committee that the government had just launched a consultation about fixed penalty notices for fly tipping which Environmental Health would be consulted on which meant these comments could be made in due course.

**RESOLVED:** The Committee approved the new Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers for consultation.

## **8 MINOR AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE CONDITIONS**

The committee received the minor amendment to Hackney Carriage and Private Hire Driver Licence Conditions and members were asked to approve a change to the combined Hackney Carriage and Private Hire Drivers Licence Condition 11 in relation to Assistance Dogs. The committee were informed that the Council's current conditions were outdated in terms of the quoted legislation and it did not follow best practice guidance. Discussions took place and it was agreed to be a very good idea.

**RESOLVED:** The Committee approved a change to the Combined Hackney Carriage and Private Hire Drivers Licence Condition 11 in relation to Assistance Dogs to read:

### **11.0 Guide/Assistance Dogs**

11.1 *The driver may at his/her discretion accept or refuse to carry any animal in the custody of any passenger EXCEPT where the animal is a guide dog or assistance dog.*

11.2 *Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for a written exemption from the duty on medical grounds. The driver must display the Notice of Exemption by affixing it in a prominent position on the dashboard of the vehicle facing upwards, or affixed to the windscreen of the vehicle facing outwards. The Notice of Exemption must be removed from the vehicle when the vehicle is used by other licenced drivers. A further Notice of Exemption will be provided to the Licence holder in braille format and must be offered to any passenger should they be refused a journey and the driver holds an exemption.*

*11.3 No driver shall make an additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person with a disability.*

## **9 ENVIRONMENTAL CRIME STRATEGY FOR LICHFIELD**

The committee received a report on the Environmental Crime Strategy for Lichfield which covers a range of offences, including dog fouling, fly tipping, littering, graffiti and fly posting. A Members Task Group had looked at this previously and considered the need for a new Public Space Protection Order reviewing the current approach to enviro-crime enforcement, identifying areas for improvement in relation to Council policies and practices that impact negatively on the environment and reviewing the level of resources to deal with environmental crime. An internal consultation had taken place and did not reveal any specific issues beyond that of dog fouling. In consideration of this and having looked at what other local authorities were doing across the country the Members Task Group recommended a new PSPO which would require dog walkers to carry an appropriate receptacle so they can pick up any dog waste. Failure to do so would enable fixed penalty notices to be issued and failure to pay the fine would result in a court summons for the original breach of the PSPO.

Discussions took place around the education and enforcement of such environmental crimes and the limited resources available and it was proposed that the Environmental Crime Strategy be given 12 months to bed in along with these efficiencies prior to a further report to this committee to determine if a recommendation is to be made to the relevant Cabinet Members that resources are appropriate.

The Members Task Group had also considered the Council's policies and practices, looking at how we deal with public open space on new developments as if we leave the maintenance with the Developer or a Management Company the areas can sometimes cease to be maintained and end up being a problem to be dealt with by Environmental Health or Planning Enforcement. This matter was being considered in relation to an official council policy within Leisure and Operational Services and Environmental Health would be consulted on their views prior to the formulation of any official council policy.

The Members Task Group had also considered the current fixed penalty notice charges and the group had considered that charges ought to be set at maximum levels to act as a strong deterrent to offenders, but with a significant (40%) discount for early payments. Appendix 2 of the Report refers. Mr Twomey explained that there were only two exceptions to this - the fixed penalty for fly tipping at £400 with no reduction for early payment due to the serious nature of this crime and the fixed penalty for dog fouling which only has a maximum fine permissible of £80, which is less than the discounted amount set for littering of £90 so no early payment discount was felt to be needed.

The Committee were satisfied with the Environmental Crime Strategy and felt it very important to adopt. It was acknowledged that catching the offenders was the problem as people did not want to risk the ramifications and it was suggested the Environmental Health department be informed if certain hot spots were identified and photographs be given as evidence. Members asked if a press release could be issued as well as putting it on to the Lichfield District Council website as it was felt a press release would add more weight to the importance of the Environmental Crime Strategy and get to more people. This was noted.

- RESOLVED:** (1) The Committee agreed the draft Environmental Crime Strategy prior to consultation with the public, businesses and other stakeholders;
- (2) The Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Environmental Crime Strategy, in consultation with the Committee Chairman and Vice-Chairman, should this be necessary following consultation. Changes of a significant nature shall be brought back to this Committee;
- (3) The Committee agreed the proposed new fixed penalty notice charges as outlined in the Report Appendix 2;
- (4) The Committee agreed to enter into a public consultation exercise in relation to the introduction of a new Public Space Protection Order to cover a requirement for dog walkers to carry an appropriate receptacle so they can pick up any dog waste, the results of the consultation to be brought back to this Committee.

## **10 AIR QUALITY ACTION PLAN FOR LICHFIELD**

The committee received a report on the Air Quality Action Plan for Lichfield which seeks to address the concerns of members regarding the initial draft strategy. Mr Twomey explained that the Air Quality Action Plan had been reduced in scope following a late response from Highways England relating to some of the proposals in their power.

Discussions took place around the new Action Plan and the concern that DEFRA may not be happy with it but it was agreed the draft should be consulted upon and then maintained as a living document as new proposals came to the fore.

- RESOLVED:** (1) The Committee agreed the draft 2018 Air Quality Action Plan and the recommendations for reducing nitrogen dioxide levels in preparation for further consultation with relevant stakeholders;
- (2) That the Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Air Quality Action Plan, in consultation with the Committee Chairman and Vice-Chairman, should this be necessary following consultation or comments from DEFRA. Changes of a significant nature would be brought back to this committee.

## **11 ANY OTHER BUSINESS**

The Chairman reported that the Members Task Group looking at the Street Trading Policy Consultation had met prior to this meeting. He reported that the new version of the Street Trading Policy had been put out for consultation between 14 May and 4 June 2018 and in total only 23 responses were received. The Members Task Group had therefore reviewed the comments and officer responses and decided on the required amendments to the Street Trading Policy.

(The Meeting closed at 6.55 pm)

CHAIRMAN