

## REGULATORY AND LICENSING COMMITTEE

6 FEBRUARY 2018

**PRESENT:**

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

**196 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Humphreys and Mrs Stanhope MBE.

**197 DECLARATIONS OF INTEREST**

There were no declarations of interests.

**198 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on the 2<sup>nd</sup> October 2017, as printed and circulated, were taken as read, approved and signed by the Chairman.

**199 STREET TRADING POLICY**

The Committee received a report a proposed revised Street Trading Policy. It was reported that the aim of the policy was to create a street trading environment which was sensitive to the needs of the public, consumer and ensured safety and contributed to the character and ambience of the local area. It was noted that the Member Task Group that was created to look at the Policy had agreed the amendments.

The changes from the original Policy were highlighted to the Committee including that locations would be considered on a case by case basis. It was reported that the use of generators had been included as there had been issues in the past regarding them.

The main area of amendments was reported to be around Special Events and it was reported that organisers would be required to meet a number of criteria before gaining consent. It was noted that their past experience would be taken into account along with economic benefit to the district, accounts and event budget and waste disposal proposals along with other aspects. It was also reported that organisers would be required to attend the Safety Advisory Group and notify local residents and businesses.

The Committee requested an update to the investigations regarding the Lichfield City Charter and it was reported that the historic markets Charter had been found and that it stated that there could be a market on Tuesdays and Fridays. It was then reported that it had been discovered subsequently that the District Council through the Food and Drugs Act, had created a Saturday market and the management of this had been transferred to the City Council in 2003. The City Council have stated that they have created other markets using the same powers and it was noted that evidence of this had been requested and was awaited. The Chairman informed the Committee that he would be meeting the Leader of the City Council and the Town Clerk with the Leader of the District Council to discuss this further.

The Committee were uneasy that facepainting could be carried out at events without a street trading consent and the associated requirement of a DBS check. This is because they were providing a service and not selling an article and as such they did not require street trading

consent. Members had grave concern regarding the implications of this however accepted that Officers had consulted with Solicitors on this matter and these regulations did not cover this activity.

Fees were then discussed and it was noted that it was proposed to charge additional fees for late and/or incomplete applications as it required greater resources to carry out the necessary work. It was reported that a deposit would be required to cover any costs associated with damages to the street, waste disposal but refundable if the event was successful.

The Committee were pleased with the amendments and agreeable to Policy being submitted for consultation.

**RESOLVED:** (1) That the new Street Trading Policy be approved for consultation; and

(2) That authority be delegated to the Head of Regulatory Services, Housing and Wellbeing in consultation with the members Task Group, to include any agreed comments into the Policy from the consultation process.

## **200 MINOR AMENDMENT TO PRIVATE HIRE VEHICLE LICENCE CONDITIONS RELATING TO SEATING**

The Committee received a report proposing an amendment to a Private Hire Vehicle licence condition to allow the use of tilted seats to access other rows of seating. It was reported that the use of such seating should be permitted as vehicle safety technology had moved on considerably from when the condition was originally brought into force. The Committee noted that the driver would be required to notify passengers that the vehicle had tilted seats to allow them the opportunity to choose whether to use them.

**RESOLVED:** That a change to the Private Hire vehicle Condition 10.2 to permit the use of tilting seats to gain access to another row of seats be approved to read as

*“10.2 The seating arrangement in “People Carrier” type vehicles will be fixed and approved by the Council. The seating will not be moved once approval has been granted. Customers hiring any vehicle in which any seat must be tilted, moved or in any way adjusted to gain access to another row of seats shall be advised of this at the time of booking.”*

## **201 FOOD SERVICE DELIVERY PLAN**

The Committee received a report on the Food Delivery Plan for 2018-20 which covered the aims and key priorities of the service.

**RESOLVED:** That the Food Safety Service Delivery Plan 2018-20 be approved.

## **202 HEALTH AND SAFETY LAW ENFORCEMENT PLAN**

The Committee received a report on the Health and Safety Law Enforcement Plan 2018/20 which set out the aims and key priorities of the services provided.

**RESOLVED:** That the Health and Safety Law Enforcement Plan 2018-20 be approved.

**203 REVIEW OF LICENCE AND OTHER FEES AND CHARGES IN REGULATORY SERVICES, HOUSING AND WELLBEING 2018/19**

The Committee received a report on the proposed fees and charges for services or enforcement actions within the Regulatory Services, Housing and Wellbeing area. It was reported that there were a number of new fees proposed relating to fixed penalty notices that had recently been introduced under new legislation along with a charge for undertaking a food hygiene inspection re-visit.

It was reported that Littering from a Vehicle could now result in a fixed penalty if witnessed. It was asked what evidence would be required and it was reported that a witness statement, CCTV or Officer surveillances could be used. Members reported that some residents would be reluctant to provide a witness statement in fear of retaliation however it was noted that they could notify the Council and in areas where regular problems occur, Officers can be sent to the area to patrol and observe the offence directly. \*

Charges for dog fouling was discussed and Members felt it was Anti-Social Behaviour and so the penalty should be at that level. It was confirmed that dog fouling was defined in statute and the charge could only be within the set limits. It was noted that the discount for both dog fouling and littering had been adjusted to the same amount to prevent errors when offenders paid. \*

Fly tipping was discussed and the Committee were in agreement with Officers to set the penalty at the maximum of £400 to act as a deterrent.

It was reported that the fee for taxi and private hire vehicle tests had been out for quotes with garages at the time that the report was written. Quote had now been received and the change was an increase of £1 to £17.50.\*

The fees for the Gambling Act was discussed and it was noted that further work was required to ensure that the charges reflected the cost of these services. It was suggested that any amendments could be approved by the Chairman, Vice-Chairman and Head of Regulatory Services as per the report recommendations.

Members asked if there was enough resource to enforce offences and it was reported that there was 0.3FTE for enforcement but the Environmental Crime Member Task Group may want to investigate whether this was adequate.

- RESOLVED:**
- (1) That the fees and charges for the forthcoming year 2018/19 for the functions as listed in Appendix A to the report be approved for statutory consultation;
  - (2) That the fees and charges for the forthcoming year 2018/19 for the functions as listed in Appendix B to the report be approved;
  - (3) That delegated authority to the Head of Regulatory Services, Housing and Wellbeing in consultation with the Chairman and Vice-Chairman of the Committee be approved to set or amend any fees which are detailed in Appendix A to the report in consideration of any consultation responses received; and
  - (4) That delegated authority be approved to the Head of Regulatory Services, Housing and Wellbeing in consultation with the Chairman and

Vice-Chairman of the Committee to set on an interim basis, any new fees and charges which may arise during the year.

**204 WORK PROGRAMME**

The work programme was considered. The Committee expressed their gratitude to the Officers for their work over the past Municipal Year.

**RESOLVED:** That the Work Programme be agreed.

(The Meeting closed at 6.50 pm)

CHAIRMAN