

REGULATORY AND LICENSING COMMITTEE

13 DECEMBER 2023

PRESENT:

Councillors B Yeates (Chair), Anketell, Ashton, Bragger, Checkland, Coe, L Ennis, Evans, Henshaw, Hill, Leung and Warfield

15 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Salter.

16 DECLARATIONS OF INTEREST

Councillor Bragger declared a non-pecuniary interest in item 4 as a member of The Ramblers and as the secretary of Lichfield Ramblers. It was discussed that this would not impact his decision-making since he was not involved with the consultation process.

17 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting, held on 25 September 2023, were taken as read and approved as a correct record by the Chair.

18 FOOTPATH- PROPOSED EXTINGUISHMENT OF PUBLIC FOOTPATH

Robin Carr (Public Rights of Way Consultant) outlined the application that has been made for the extinguishment of public footpath No.15 that runs between Cannock Road and Cobbett Road in the Parish of Burntwood as illustrated in the Appendix of the report. He noted that the path has not been physically available for a significant amount of time, but this should be disregarded in the consideration of the application.

He explained that an extinguishing order can be made if it is determined that the path is not needed for public use and that there would be little use if it were to remain open. He noted the likely use of the path, if opened, should also be taken into consideration.

Mr Carr explained that consultations were carried out with user groups, and it was reported that the Peak and Northern Footpath Society withdrew their initial objection after additional consultation. The objection received from the Staffordshire Ramblers remained, but it was noted that their objection was more on principle than any specific concerns. No responses or views from the public were received from the notices posted onsite.

The path was described as having been part of a long walk across open fields, but it is currently running through an industrialised area. The majority of users could easily find alternative routes using Cobbett Road and Attwood Road to Cannock Road. He concluded that the path is not needed and would likely have minimal future use. Therefore, his recommendation was to make the extinguishment order.

A concern was raised about the safety of the path, if open, particularly due to the lack of streetlights. It was acknowledged that this could impact the future use of the path, but it was clarified that safety was not a specific consideration in making the order.

Members expressed support for the proposal due to the availability of an alternative safer route, although it was acknowledged by members that they are not usually in favour of extinguishing public paths.

Concerns were raised about the justification for the application and the permanent nature of extinguishing the path. Mr Carr clarified that the application was motivated by the development of the site and the need for site security.

The definition of a temporary obstruction was discussed, and it was clarified that a building could be considered a temporary obstruction. It was emphasised that the consideration of the path needed to be based on its current state, disregarding any temporary obstructions. The need to close the path was explained as being related to the narrowness of the area between the industrial units and the path, which would result in vehicular movements and parking adjacent to the path. It was noted that the current drop of about a meter between the industrial units and the path further complicated the situation.

Comments from the website Lichfield Live were raised, mentioning that some individuals expressed a desire to use the path if it was restored and accessible. Mr Carr responded by stating that during the six-week period when notices were posted inviting comments, no responses were received.

Members proposed accepting the application to extinguish the public path, taking into account the considerations discussed during the meeting.

RESOLVED: That the proposed extinguishment of Public Footpath No.15 (part) in the Parish of Burntwood as set out in Appendix A of the report be approved.

19 REVISED TAXI LICENSING POLICY

James Johnson, Regulation & Enforcement Manager, provided an overview of the current policy on Hackney Carriages and Private Hire vehicles. He mentioned that the policy, written in 2022, serves to bridge the gap between the law and its local implementation. He stated that the review of the policy's objectives and timeline is the main consideration for members, prompted by concerns expressed by taxi drivers during a meeting in October.

The areas proposed for review included the possibility of increasing the number of electric vehicles and wheelchair accessible vehicles in the district. The fare review for taxi services, ensuring competitiveness, and the enforcement aspects of the policy were also highlighted. Mr Johnson outlined an alternative approach to the current penalty point system, with a list of contraventions and corresponding sanctions that would provide a simpler and more efficient enforcement process.

He concluded that the current policy needs to be simplified. A proposed timeline for the review was included in the report and if agreed by members a consultation would be undertaken using methods such as online surveys and face-to-face sessions with taxi drivers and taxi users. The outcome of the consultation and the proposed and revised policy would then come back to the Committee in March 2024.

Members expressed their support for the review and inquired about the available levers for increasing the number of electric vehicles and wheelchair accessible vehicles. Mr Johnson stated that the specific levers would be explored during the review, which would involve looking at practices used by other authorities.

Councillors queried how the public and taxi clients would be consulted. Mr Johnson responded that an online consultation would be the primary method, but face-to-face sessions would also be held for those who wished to participate in person.

The importance of consulting with the National Union of Rail, Maritime and Transport Workers (RMT) representatives and ensuring public safety was raised along with the need to consider

fees and charges in relation to covering costs adequately and remaining comparable to other authorities.

Mr Johnson confirmed that the review would consider all disabilities, not just wheelchair accessibility. He mentioned existing conditions requiring drivers to assist passengers with disabilities when needed, including partial sightedness and the use of assistance dogs.

Members suggested prioritising face-to-face meetings for better responses and inquired about the October meeting and its purpose. Mr Johnson explained that the October meeting focused on taxi ranks in the city centre and served as an opportunity to rebuild the relationship with RMT.

The chair concluded the discussion by expressing approval for the proposed review and its recommendations, highlighting the importance of regular updates to keep pace with changing circumstances.

RESOLVED:

(1) That the objectives and timeline for the review as set out in section 3.6 of the report be approved.

(2) That the Assistant Director of Operations, Regulation and Enforcement retains the ability to make minor variations to the policy in consultation with the Chair of the Regulatory and Licencing Committee be approved.

20 SETTING OF REGULATION AND ENFORCEMENT FEES, CHARGES AND FIXED PENALTY AMOUNTS FOR 2024-25

James Johnson, Regulation & Enforcement Manager, presented a review of the fees, charges, and penalties imposed by the Regulation and Enforcement Service under various circumstances, including Environmental Health licensing and planning enforcement.

The consolidation of fees, charges, and penalties into one document, including the addition of penalty aspects, was discussed. The committee was requested to approve the proposed fees, charges, and penalties listed in Appendix 1 to come into force on April 1st, with Appendix 2 noting the fees and charges set nationally.

It was recommended that the Chair and the Assistant Director of Operations Regulation and Enforcement be authorized to confirm the fees in relation to taxi vehicles and taxi operators, subject to a consultation process, in time for implementation on April 1st.

It was proposed that an annual review of fees, charges, and penalties be undertaken, with automatic increases to recover costs, and subsequent noting by the committee.

Mr Johnson highlighted the extensive calculations and benchmarking conducted to set the proposed fees, charges, and penalties. A comparison with neighbouring authorities showed that the proposed fees and charges were generally within the range and often below the median.

Members inquired about the discrepancies in fines for littering at £500 and fly tipping at £1,000, questioning whether the maximum fines in court influenced these differences. Mr Johnson explained that littering carried a maximum fine of £2,500, while fly tipping had an unlimited fine. He also mentioned that by increasing fixed penalties for fly tipping, they hoped to deter such offences.

Concerns were raised about the fixed penalty for smoking in public places at £50 compared to the fine for littering. Mr Johnson clarified that smoking fixed penalties were set by the

Department of Health, which required a different template and had different ranges from DEFRA-set fixed penalties.

The Committee questioned the reference to "hypnotism permits" and "high hedge applications" in the proposed fees and charges. Mr Johnson explained that licenses for public displays of hypnotism exist, although none have been issued locally. High hedge applications allow councils to charge fees for handling complaints about hedges' height, aiming to encourage informal action and avoid vexatious complaints.

The rounding up of fees to the nearest £5 was discussed, with clarification that all fees had indeed been rounded up. It was noted that this accounted for the decreasing use of change in transactions.

Members expressed surprise at the lack of fee reviews in over 20 years for some items. Mr Johnson stated that licenses like high hedge applications, camping and caravan licensing, and mobile home licensing, which were set a long time ago, were in need of review to align them with current standards and regulations. He assured the committee that resources would be allocated next year to undertake this review.

Members emphasised the importance of both punishment and deterrence in setting penalties, particularly for offences where people believe they can get away with their actions.

Councillors raised questions about sex establishment licensing, referring to the presence of only one registered establishment and inquired about any exploitation concerns. Mr Johnson clarified that the establishment was a shop requiring a license, and no particular concerns were raised about the business compared to establishments in other sectors.

The Chair mentioned that the committee had previously visited the site when approving the license and explained that the decision to maintain the current fee was based on supporting the business and occupation of the premises.

RESOLVED:

(1) The committee is recommended to approve the revised fees, charges and penalties outlined at Appendix 1 ready for them to come into force on 1 April 2024. These amounts are set by the Council.

(2) The committee is recommended to note the revised fees, charges and penalties outlined at Appendix 2 ready for them to come into force on 1 April 2024. These amounts are set in law.

(3) The committee is recommended to approve that the Chair and Assistant Director of Operations, Regulation & Enforcement confirm the fees for taxi vehicles and taxi operators following a period of statutory consultation, and to make minor amendments to other fees, charges and penalties to reflect future changes, particularly in legislation, where necessary.

(4) The committee agree a delegation to the Assistant Director of Operations, Regulation and Enforcement to apply CPI increases annually for application on 1 April each year. Any amendment to fees, charges and penalties outside of CPI will be subject to committee review.

21 WORK PROGRAMME

The committee discussed the work program and proposed adjustments. The committee agreed to consider street trading in February or March, depending on the progress of related work. It was suggested that a provisional date be set to avoid last-minute changes. The review of the delivery and monitoring of private water supplies was also mentioned as a possible addition to the program.

Members expressed thanks and appreciation to Mr Johnson and his team for their excellent work.

The Committee raised a query regarding the closure of Darwin Walk due to the construction of a housing estate. The historical significance of Darwin Walk and its impact on annual events was discussed. Mr Carr indicated that the matter falls under the County Council. Christie Tims, Assistant Director Operations - Regulation and Enforcement, agreed to investigate the matter.

Mr Johnson thanked members for acknowledging his team's hard work. He extended an invitation to members to spend time with the team, either in the office or on a visit.

RESOLVED: That the Work Programme 2023-2024 be noted and agreed.

(The Meeting closed at 6.55 pm)

CHAIR