

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 4th July, 2023
Time of Commencement: 7.00 pm

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Present: Councillor Andrew Parker (Chair)

Councillors:	Whieldon	Adcock	J Williams
	Barker MBE	Dymond	G Williams
	Heesom	Wright	Brown
	Skelding	Allport	

Apologies: Councillor(s) S White, Sweeney and Wilkes

Substitutes: Councillor David Hutchison (In place of Councillor Stephen Sweeney)
Councillor Gillian Burnett -Faulkner (In place of Mayor - Councillor Simon White)

Officers:	Geoff Durham	Civic & Member Support Officer
	Nesta Barker	Service Director - Regulatory Services
	Anne-Marie Pollard	Solicitor
	Michelle Hopper	Mobile Multi-Functional Manager

Also in attendance:

1. **APOLOGIES**

There were no apologies.

2. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

3. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 10th May 2023 be agreed as accurate record.

4. **MINUTES OF LICENSING SUB COMMITTEE MEETINGS**

Resolved: That the minutes of the Licensing sub-committee meeting held on 10th May 2023 be received.

5. **DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no declarations of interest stated.

6. FOOD SAFETY SERVICE PLAN 2023/24 & REVIEW OF PERFORMANCE 2022/23

The Service Director for Regulatory Services introduced the Food Safety Plan for 2023-24 setting out the work to be carried out by the Food and Safety Team, in accordance with the Food Standards Agency framework agreement and statutory Code of Practice on official food controls by local authorities.

Questions were raised and responses were provided as follows:

- Referring to section 6.1 of the report Cllr Hutchison wished for the inspection team to be congratulated for achieving 100% inspections completed on time over the year. Were the premises that gave the 0.4 rating still trading and should the Council be worried about them? – Food hygiene rating scores were publicly available and uploaded every week to the Food Standards Agency website where information about the premises could be found - <https://ratings.food.gov.uk/>. The Council could help, support and advise businesses depending on the seriousness and nature of the problem, or take enforcement actions.
- Cllr Whieldon asked if the premises were required to display the ratings. – While the ratings were available on the Food Agency website, businesses were not required to display the information themselves.
- Cllr J. Williams wondered if more information could be given about the complaints figures. – People were able to report issues about both the quality of the food and the level of hygiene. This could be done by contacting the food establishment or through Council's portal.

Resolved: That the Food Safety Service Plan for 2023-24 be received and endorsed.

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7. UPDATE ON RESULTS OF TAXI LICENSING APPEALS

The Service Director for Regulatory Services updated members on the results of the latest Taxi Licensing Appeals following decisions made by the Council.

Questions were raised and responses were provide as follows:

- Cllr J. Williams asked if there was any reason why there were seven outstanding appeals. – Any applicant had the right to appeal and was able to continue trading during the appeal process although the cost of appealing was significant.
- Cllr Dymond asked if applicants paid the costs when appeals confirmed the Council's decisions. – They did indeed.
- Cllr Brown asked what happened when applicants lost the appeal but didn't have the budget to pay the costs. – A payment plan was agreed with the Court. It could take longer for the Council to recoup the money.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

8. PROPOSED CHANGES TO FIXED PENALTY NOTICES (FPNS)

The Mobile Multi-Functional Manager presented her report on the proposals to review the penalty for Section 34(2A) of the Environmental Protection Act 1990 (EPA 1990) and Section 33 of the EPA 1990, as well as to implement the use of Section 46A of the Environmental Protection Act 1990. The purpose of the proposals was to tackle a long standing issue of household refuse and recycling bins being left on streets.

Comments were made and responses were provided as follows:

- Cllr Brown thanked the team for the report and proposals.
- Cllr Adcock wished to know if appliances left on the pavement in Silverdale would be subject to a fine. – Indeed and residents would need to be educated on what could be tolerated and what could not.
- Cllr Whieldon expressed the need for policies to be aligned with neighbouring authorities and for education to start with children at school. – It was confirmed that an environmental Enforcement Education Program was undertaken with schools.
- Cllr J. Williams asked about the practicality of moving the bins and what officers were trying to achieve. – The plan was to start with hot spots and members may be asked to help communicate with their residents and open the conversation about duty of care. The approach would be to educate first, then issue a warning, then follow up with an official notice and finally issue a fixed penalty in case of breach of that notice.
- Cllr J. Williams wondered where the Council stood with regard to alleyways and bins not taken back by residents. – The behaviour around alleyways needed to be reviewed, including fly tipping. Residents were not always aware about their responsibilities.
- Cllr Barker asked if there was a plan for cases where residents were putting their bins out two days before collection. – Again, this was down to education. Cllr Whieldon commented there should be some leeway for changes in timetables.
- Cllr Hutchison reported that six new drivers were appointed and some of the loaders were upgraded which would allow for more flexibility in the refuse collection. External agencies would also be used as required to bring temporary workers in.
- Cllr Barker complained about the mess left after recycling was being picked up. – Refuse that fell on the pavement was being picked up by the team and street cleaning was following up with litter picking. Members wishing to raise issues could do so with the head of service.
- The Chair asked how long would residents have to retrieve what hasn't been collected and if it wouldn't be better to have the information available on the website rather than printing out leaflets for all the borough. – The information

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and guidance would be put online and leaflets would only be used for hot spots location with particular problems as an educational tool.

- The Chair expressed concerns over requesting from members to go and distribute leaflets in their ward which would require physical fitness. – Officers would report back to the Committee about progress made in drafting the policies.
- Cllr Wright raised the case of some University students who could benefit from receiving education with regard to the bins. – It was confirmed Keele University was on board.
- Cllr Dymond asked if members could have a say on how many leaflets were needed in their area. – Assessing the needs would indeed be done in partnership with whoever was keen to get involved.
- Cllr Heesom suggested to put stickers on bins and expressed concerns over temporary residents. – This was something to be introduced as part of the plan along with educating everyone.

Resolved: That the review of the Fixed Penalty Notices (FPNs) and support to the implementation of Section 46A EPA 1990 be approved in principle.

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9. PUBLIC SPACE PROTECTION ORDERS: PARKS AND OPEN SPACES

The Mobile Multi-Functional Manager presented her report on the results of the six weeks consultation with regard to the Public Space Protection Orders for Parks and Open Spaces. Proposals about alcohol prohibition zones and dog control had been included and 22 responses were received.

Questions were asked and responses were provided as follows:

- The Chair commented that only dog exclusion and dog on lead were mentioned in the appendix. What about where dogs were allowed to be off the lead? – The report focused on where prohibitions applied, the main concern being the protection of the public or vulnerable wild life. Areas where no restrictions were in place were not listed.
- Cllr Brown said that in semi-rural areas there was a culture of letting dogs go around without lead and their fouling wasn't necessarily picked up; how do you enforce for people to be carrying bags and clean after their dog? – The Mobile Multi-Functional team was looking to immobilize and upscale and multi-skill a number of uniformed officers to do this enforcement around various environmental offenses.
- Cllr G. Williams wondered why dogs were allowed at all on football pitches. – It would be difficult to enforce a dog total exclusion as this would be dependent on line marking however if members were in agreement with the suggestion this could be submitted to the public as part of the next consultation phase.
- Cllr J. Williams felt that a number of areas were missed off and asked whether community representatives referred to under paragraph 1.5 page 44

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could include councillors. – The plan was to upskill members of the team to allow them to be multifunctional and increase officers' presence to carry out enforcement actions with regard to littering, parking and other environmental offenses. Councillors were welcome and advised to take part in the consultation process. While the appendix only listed areas where dog were either excluded or should be on lead, people should still pick up after their dog in other areas.

- Cllr Burnett-Faulkner made reference to dog poo bag stations in Lincolnshire and suggested that football pitches and children playgrounds should be treated the same when it comes to dog fouling; another issue to be considered was that of antisocial behaviour targeting play areas at night. – It was confirmed that excluding dogs from football pitches could be suggested in the consultation and that training about notably fixed penalties was being provided to the team to address antisocial behaviour.
- Cllr Adcock commented that the consultation question about dogs to be excluded from open spaces owned by parish and town councils was too vague; would it be possible to make it more specific in the next phase of the consultation? – Officers would take the request into account.
- The Chair asked how much would be put into this to be policed. It was important for dogs to be able to run off lead, which was good exercise, while ensuring that their fouling was picked up. More bins at a walking distance would be a first step. – Enforcement would be shortly rolled out targeting hot spots locations and education of the public would need to coincide with any protection order.
- Cllr Whieldon regretted that the dog license did not apply anymore as the fee would cover the dog bags and make the owners more traceable.
- Cllr J. Williams asked if the proposals included County Council land. – Apedale Community County Park was on the list.
- Cllr Dymond asked about the prohibition of drinking and the need to police areas which were littered as a result of people drinking. – Following changes in legislation in 2014 there were no alcohol prohibition zones anymore outside of public space protection orders which the proposals aimed to re-introduce. Members of the public were encouraged to report any incidences to give a reflexion of the problem.
- The Chair asked if re-assurance could be given that the comments raised at the meeting would be taken into account in the next stage of the consultation. – The latter could be tweaked with areas on the list to be discussed further with members regarding their specific localities.

Resolved: That the final consultation on a proposed public spaces protection order as detailed in Appendix A be approved.

[Watch the debate here](#)

10. **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

Resolved: That the minutes of the Public Protection sub-committee meeting held on 7th June 2023 be received.

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11. URGENT BUSINESS

There was no urgent business.

12. DISCLOSURE OF EXEMPT INFORMATION

There were no reports likely to disclose exempt information.

Resolved: That the public be excluded from the meeting during consideration of matter likely to disclose exempt information as defined in paragraphs 1, 2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972.

**Councillor Andrew Parker
Chair**

Meeting concluded at 8.32 pm