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Licensing & Public Protection Committee - 11/12/18

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 11th December, 2018
Time of Commencement: 7.00 pm

Present:- Councillor Mark Olszewski – in the Chair

Councillors: S. Dymond, T. Johnson, T. Kearon,
A. Parker, K. Robinson, S. Sweeney,
J Tagg, J. Walklate, J Waring, S White,
G Williams, J Williams, R. Wright

Officers: Nesta Barker - Head of Environmental Health Services,
Geoff Durham - Mayor's Secretary / Member Support Officer and
Anne-Marie Pollard - Solicitor

1. APOLOGIES

Apologies were received from Councillor John Cooper

2. DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS

There were no declarations of interest in relation to licensing matters.

3. MINUTES OF PREVIOUS MEETING

Resolved: That the Minutes of the meeting held on 23 October, 2018 be agreed, subject to the recording of the following Members in attendance:

Councillors: Miss J Cooper, J Cooper, S Dymond, T Johnson, T Kearon, M Olszewski (Chair), A Parker, K Robinson, J Walklate, J Waring, S White, G Williams, J Williams and R Wright.

4. MINUTES OF LICENSING SUB COMMITTEE MEETINGS

Resolved: That the Minutes of the Licensing Sub-Committee, be received.

5. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated in relation to public protection matters.

6. TAXI POLICY CONSULTATION

Consideration was given to a report to update Members on the consultation process for the council's proposed Taxi Licensing policy and a request for members to approve an extension to the consultation period.

Members supported the extension following a request from members of the trade.

Resolved: That the extension of the consultation period until 14 February, 2019, be approved.

7. THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

Consideration was given to a report advising Members of changes that had occurred as a result of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations, 2018 which came into force on 1 October, 2018.

Members' attention was brought to paragraph 1.3 of the agenda report and paragraph 2.8 which outlined the consequences of changes for the Council.

Members were advised that staff would require additional training in the future and that this work had to be prioritised.

Resolved:

- (i) That the impact that the new provisions will have on businesses/resident within the Borough, be noted.
- (ii) That the proposed full cost recovery fees and charges for 2019/20 (as detailed), be supported.
- (iii) That the Environmental Services Team Manager and Dog and Enforcement Officers (x2) be appointed as suitably qualified Inspectors and enforce provisions,
- (iv) That the policies, in respect of reviews, appeals, re-inspection and refunds, as detailed in Appendix one, be agreed.

8. EXTENDED USE OF FIXED PENALTY NOTICES

Consideration was given to a report seeking Members' support to increase the number of environmental offences where enforcement may be delivered through the issuing of penalty notices.

Two new provisions would be small scale fly tipping and littering from vehicles.

Members queried how littering from vehicles could be enforced.

The Council's Head of Environmental Health Services, Mrs Nesta Barker stated that the Council could follow up reports from officers and the police and take reports from members of the public – although there would need to be sufficient evidence to progress any report.

Councillor Kearon suggested that if we knew of specific locations, could officers be drafted there. Members were advised that this was a possibility.

Resolved:

- (i) That the range of penalty notices that can be issued – to include (a) small scale fly tipping and (b) littering from vehicles, be agreed.
- (ii) That a charge of £400 in respect of fly tipping fixed penalties (reduced to £350 if paid within ten days) and a charge of £100 in respect of littering from vehicles penalty charge notices (reduced to £75 if paid within 14 days), be recommended.

9. PUBLIC PROTECTION AND PUBLIC PROTECTION SUB COMMITTEE ARRANGEMENTS

Consideration was given to a report seeking Members' approval for changes to the arrangements for the Public Protection Sub-Committee meetings.

The changes had been made to accommodate Members' availability for the meetings.

Councillor John Williams raised concerns that, as these matters were now dealt with by a sub-committee, responsibility fell on three Members whereas the whole committee of fifteen members dealt with them previously. Councillor Williams stated that the meetings needed to be monitored and any concerns addressed. In addition, Councillor Williams requested that training be given to Members.

Mrs Barker stated that training was given on an annual basis with a half day course but further training could also be given either as a group or on a one-to-one basis.

Councillor Kearon agreed with Councillor Williams' concerns and added that the larger committee had a 'collective memory' of how matters had been dealt with in the past. The council's Solicitor, Ms Anne-Marie Pollard stated that each was dealt with on its own merit and that it was her role to advise on consistency. In addition, the officers' report also gave guidance on how to proceed.

Members pointed out that some of the proposed dates clashed with Full Council meetings. Mrs Barker would revisit those dates and suggest alternatives.

- Resolved:
- (i) That the report be received and Members note the date and time of their proposed attendances at sub-committees as necessary.
 - (ii) That, should Members be unable to attend a sub-committee meeting, they notify Democratic Services of an available substitute.

10. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

11. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the Minutes of the meetings be agreed.

12. URGENT BUSINESS

There was no urgent business.

COUNCILLOR MARK OLSZEWSKI
Chair

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Meeting concluded at 7.45 pm