

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 16 September 2021 commencing at 6.35 pm.

Present: Councillor Mrs Jessie Milne (Chairman)
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor Liz Clews
Councillor David Cotton
Councillor Mrs Caralyne Grimble
Councillor Peter Morris
Councillor Jim Snee

In Attendance:
Andy Gray Housing and Enforcement Manager
Katie Storr Democratic Services & Elections Team Manager (Interim)

Apologies: Councillor Timothy Davies
Councillor Mrs Cordelia McCartney
Councillor Mrs Judy Rainsforth

9 CHAIRMAN'S WELCOME

The Chairman opened the meeting by welcoming all Members of the Committee back to the Chamber for the first time since the onset of the Covid-19 pandemic in March 2020. The safety measures that were in place were highlighted. In the absence of a public gallery, due to capacity within the Chamber, the Chairman advised the Committee meeting would be live webcast and extended her welcome to those watching at home.

Apologising for having not done so earlier, a warm welcome was also extended to newly appointed Member, Councillor Peter Morris, attending his first meeting, having been elected to the Council in May 2021, and appointed to this Committee in June.

10 PUBLIC PARTICIPATION

There was no public participation.

11 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

12 MINUTES OF PREVIOUS MEETINGS

Regulatory Committee – 10 June 2021

RESOLVED that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 10 June 2021 be confirmed and signed as an accurate record.

13 MATTERS ARISING

In the absence of any questions, the report was taken “as read” and with no requirement for a vote, the Matters Arising were **DULY NOTED**.

14 CAFE/PAVEMENT LICENSES - EXTENSION OF SUB DELEGATION TO LINCOLNSHIRE COUNTY COUNCIL

On the 21 July 2020 an Urgent Delegated Decision was made to delegate the District Council’s function in relation to “Pavement Licenses” under the Business and Planning Act 2020 to Lincolnshire County Council up until the 30 September 2021.

It had now been confirmed that the provisions within the Act would be extended until the 30 September 2022. The Committee therefore gave consideration to a report in which it was proposed that the existing Sub-Delegation of Pavement Licenses to Lincolnshire County Council be extended until 30 September 2022

The report set out the rationale for proposing to continue with the delegated arrangement noting, prior to the Business and Planning Act 2020 , such matters had been a function of the County Council and as such the District Council had no processes in place to administer the function.

Section 3 of the report set out the extent of the current sub-delegation, the services the County Council provided as a result, free of charge and the number of applications made since the introduction of the legislation, which amounted to six in the District. There were alternative options to the Council and these were outlined in Section 4.

Debate ensued and given some Members experiences, some were of the view that in the longer term it may be better that the District Council undertake the function within the auspices of the planning remit, as it was considered there were a number of conditions and circumstances which appertained to planning. Recent experiences were shared including difficulties in seeking enforcement from Lincolnshire County Council, with a suggestion this would be much easier if the function remained in-house due to it being more localised, and Officers having more local knowledge of specific circumstances. Some Members felt there needed to be a greater input at a local level.

Members were reminded that street licensing was historically at County Council function, and as such the District Council had limited systems and resources in place to manage the emergency legislation. Returning the function in-house was an option that could be

considered should the legislation continue to be extended and should uptake increase, particularly with the planned regeneration in Gainsborough.

Officers also highlighted, whilst the legislation was not intended to ride roughshod over the issues highlighted by Members, it was fully focussed on enabling and allowing businesses to extend their operations due to the restrictions. Therefore from a planning perspective, unless there was a significant impact, it would be difficult to not allow a business to have a cafe/pavement licence. Accepting Members concerns however, Officers did have the ability to and would feedback the issues which had been raised.

In response to questions, it was confirmed that both the Licensing and Planning Departments of West Lindsey were consulted when applications for such licences were received, but again were reminded the emphasis of the legislation was to enable businesses.

Following discussion and having been moved and seconded it was: -

RESOLVED that

- (a) the Districts Council's function in relation to "Pavement Licenses" under the Business and Planning Bill Act 2020 be delegated to Lincolnshire County Council for a further 12 months up until the 30 September 2022; and
- (b) a further report be submitted to the Regulatory Committee, prior to September 2022, to provide an update on the sub-delegation and to consider whether an assessment of any further options are needed should the provisions in the legislation be extended further.

15 ABANDONED SHOPPING TROLLEYS - SCHEDULE 4 UPDATE AND REVIEW

Consideration was given to a report which provided an update on the Schedule 4 scheme to-date. The Council had agreed to implement the scheme using its powers under the Environmental Protection Act 1990 and it had come into effect in August 2018 for the Gainsborough area.

The scheme had been introduced to combat the persistent issue of abandoned shopping trolleys, which at the time were being collected at a rate of 30 per week.

Section 2 of the report set out the Scope of the Scheme and its intentions, whilst Section 3 detailed the Scheme's impact to-date including the number of shopping trolleys collected and subsequent income generated, as a result of re-charging the supermarkets.

Whilst the issue of abandoned shopping trolleys was still present in Gainsborough. The figure had reduced by 62% since the implementation of the scheme. Noting a slight increase in the recent year, there was still a significant reduction on the volumes that were being collected prior to the scheme and as such, it was recommended that that consultation in relation to its continuation be carried out in 2023.

Debate ensued and in response to Members' questions the performance was clarified, noting that whilst 20/21 had since an increase in trolleys collected compared to previous year, when comparing that to collection levels pre scheme introduction , the number collected per week had reduced.

Members were reminded the Scheme did not, nor was it intended to provide a solution that resolved the issue of abandoned shopping trolleys, it provided a mechanism to recover the cost of clearing them, which in turn, encouraged supermarkets to take more steps to reduce the issue occurring. The Council were collecting the trolleys and either storing or returning them at its own cost prior to the Scheme.

In response to further questions, Officers confirmed the scheme currently applied to Gainsborough only, its extension could be investigated as part of the future consultation, but there would have to be an evidenced need.

Thanks were expressed to the Operatives, working behind the scenes to deliver these successes.

RESOLVED that:

- (a) the progress of the scheme and its success to-date be noted; and
- (b) that consultation on the continuation of the scheme and any subsequent decision on it, in line with the legislation, be carried out in 2023 when the scheme has been in place for around 5 years.

The meeting concluded at 7.06 pm.

Chairman