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Licensing and Regulatory Committee- 13 December 2016

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing and Regulatory Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 13 December 2016 commencing at 6.30 pm.

**Present:** Councillor Mrs Jessie Milne (Chairman)  
Councillor Owen Bierley (Vice-Chairman)

Councillor Gillian Bardsley  
Councillor Sheila Bibb  
Councillor David Cotton  
Councillor Mrs Pat Mewis  
Councillor Judy Rainsforth  
Councillor Mrs Diana Rodgers

**Also Present** Councillor Matthew Boles – Visiting Member

**In Attendance:**  
Andy Gray Housing and Communities Team Manager  
Kathryn Hearn Senior Community Safety Officer  
Dinah Lilley Governance and Civic Officer

**Apologies:** Councillor Paul Howitt-Cowan  
Councillor Angela Lawrence  
Councillor Lewis Strange

**Membership:** No Substitutes were appointed

### 15 PUBLIC PARTICIPATION

There was no public participation.

### 16 MINUTES OF PREVIOUS MEETINGS

(a) Meeting of the Licensing and Regulatory Committee – 9 June 2016

**RESOLVED** that the minutes of the Meeting of the Licensing and Regulatory Committee held on 9 June 2016 be confirmed and signed as a correct record.

(b) Meeting of the Licensing Sub-Committee held on 11 July 2016.

**RESOLVED** that the minutes of the Meeting of the Licensing Sub-Committee held on 11 July 2016 be received and noted.

(c) Meeting of the Licensing Sub-Committee held on 26 August and 2 November 2016

**RESOLVED** that the minutes of the Meeting of the Licensing Sub-Committee held on 26 August and 2 November 2016 be received and noted.

## **17 DECLARATIONS OF INTEREST**

Councillors Bardsley, Rodgers, Mewis and Bierley all noted that they had dogs but as responsible owners would not be affected by the Orders.

Councillor Bierley declared a personal interest in that he was the Community Representative and Trustee of the Keelby Sports Association, which may be affected by the Orders.

Councillor Cotton noted that many of the open spaces that were the subject of the report were in the custodianship of Parish Councils therefore any Member who was also a Parish Councillor may have a personal interest.

## **18 PUBLIC SPACE PROTECTION ORDERS**

The Housing and Communities Team Manager and the Senior Community Safety Officer attended the meeting to outline proposals relating to three Public Space Protections Orders, and to seek consent from the Committee to consult in line with the proposed consultation plan.

A number of Public Space Protection Orders (PSPOs) on land in the District were proposed. These Orders could be made on any land open to the air that the public had a right or entitlement of access to. This meant that the legislation could apply to land belonging to local authorities, as well as, for example, Church grounds and land belonging to a resident owned management company.

To make an Order, the local authority needed to be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- Have had, or are likely to have a detrimental effect on the quality of life of those in the locality
- Is, or is likely to be persistent or continuing in nature
- Is, or is likely to be unreasonable
- Justifies the restrictions imposed

Breach of a PSPO was a criminal offence, punishable by a fixed penalty notice or prosecution. Legislation required that a minimum 30 days consultation be carried out prior to a decision being made to make a PSPO or not.

The report outlined the three current proposed PSPOs, the reasons behind the requests and the requirements or prohibitions suggested, and to ask the Committee to agree for consultation to take place.

Any Dog Control Orders currently in force in the District would remain in force and unchanged by these proposals, excepting those on Gainsborough Town Council owned land.

The first of the proposals was for a District wide PSPO for dog fouling and would apply to all land in the District of West Lindsey which was open to the air and to which the public have a right or entitlement of access whether paid or unpaid.

Discussion ensued as to whether it was felt that the proposals would work to help deter persistent offenders, although it was acknowledged that the problem was significant and needed to be tackled. Assurance was given that reporting offenders could be confidential and the only information required was dates, times and locations.

Those with the power to enforce the PSPOs and issue fixed penalty notices were discussed. Committee Members raised the matter of Parish Councils which had previously paid for Wardens to undergo training and thereby be authorised to issue notices, as under the current proposals this would seem to be money wasted, and it was suggested that representations be made to the Department of Environment that clarity was required. The Housing and Communities Team Manager advised that comments should be fed into the consultation, however it was suggested that lobbying the relevant minister be more appropriate as this was clearly a legislative oversight.

Members debated whether it would be better to defer the matter until further information and clarity was available, or whether to proceed with the consultation in the meantime. It was also questioned whether, if Proposal One was deferred, consultation should go ahead on the other two proposals in the meantime. It was felt that as Proposal Three related to land owned by Gainsborough Town Council and that as Proposal One was District Wide this could lead to confusion and residents feeling they were being consulted twice on the same matter.

It was proposed that the entire report and consultation be deferred until such time as further information be available, to clarify the legislation and the authority held by Parish Council Wardens. The proposal was seconded and subsequently voted upon.

**RESOLVED** that the report be deferred until clarification has been sought and provided to the Committee to ensure that the correct decisions be taken.

The Governance and Civic Officer sought verification that the further detailed report would need to be submitted to the Committee before the next scheduled meeting in March, therefore it would be necessary to arrange an additional meeting in the interim.

The meeting concluded at 7.16 pm.

Chairman

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