

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 22 September 2022 commencing at 6.30 pm.

Present: Councillor Mrs Jessie Milne (Chairman)

Councillor David Cotton
Councillor Mrs Caralyne Grimble
Councillor Paul Howitt-Cowan
Councillor Peter Morris
Councillor Jim Snee

In Attendance:

Andy Gray	Housing and Enforcement Manager
Kimble Enderby	Senior Licensing and Community Safety Officer
Tracy Gavins	Licensing Enforcement Officer
Katie Storr	Democratic Services & Elections Team Manager
Andrew Warnes	Democratic and Civic Officer

Apologies:

Councillor Mrs Angela Lawrence
Councillor Timothy Davies
Councillor Mrs Judy Rainsforth
Councillor Mrs Diana Rodgers

6 PUBLIC PARTICIPATION

There was no public participation.

7 DECLARATIONS OF INTEREST

Councillor D. Cotton declared a non-pecuniary personal interest in relation to agenda item 6b, Gainsborough Cemeteries PSPO – Decision as through his role as a vicar had undertaken many services at the Gainsborough Cemetery.

Councillor P. Howitt-Cowan declared a personal interest in relation to agenda item 6b, Gainsborough Cemeteries PSPO – Decision, as he was a founder member of Friends of Gainsborough Cemeteries.

8 MINUTES OF PREVIOUS MEETINGS

Regulatory Committee – 9 June 2022

RESOLVED that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 9 June 2022 be confirmed and signed as an accurate record.

Regulatory Sub-Committee – 21 July 2022

RESOLVED that the Minutes of the Meeting of the Regulatory Sub-Committee held on Thursday, 21 July 2022 be noted.

9 MATTERS ARISING

In respect of the action entitled “Update Report on the target number of visited establishments”, the Housing and Environmental Enforcement Manager advised the Committee that by August 2022, the team had completed 50% of the visits. The Officer then further explained that there was an expectation of reaching the 90% target and possibly beyond that. An update report would be brought to the Committee’s next meeting.

The Officer then took the opportunity to raise with Members recent correspondence received which impacted the Council’s Licensing Policy.

With effect from 2022 it was a statutory requirement for Local Authorities to be a Member of the “National Register of Refusals and Revocations (or NR3)”. Officers outlined the purpose of the national register which allowed licensing authorities to record details of where a hackney carriage or PHV driver’s license had been refused or revoked and allowed licensing authorities to check new applicants against the register.

The Policy would need to be amended, to reflect the inclusion of this “new step”, but given it was a Statutory obligation, no Committee decision would be sought and the Licensing Team would make the required amendment and re-publish the Licensing Policy in due course.

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

10 TAXI FARE INCREASE REQUEST

Members gave consideration to a report which provided Members of the Regulatory Committee the background and options to the Taxi Fare Increase Request.

Note: Councillor C. Grimble entered the Chamber at 6.34 pm.

Under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the District Council was the Authority responsible for licensing hackney carriages and private hire vehicles. The Council was also responsible for setting a scale of fares, which set out the maximum amount that could be charged by hackney carriage proprietors. The Council could not, however, control fares for private hire vehicles.

The number of vehicles licensed was outlined and Members noted in the last 10 years, there had been three increases in the scale of fares that WLDC taxi proprietors charge their

customers, the last one being in March 2022.

The latest request for an increase in fares related specifically to the incremental rate within the tariffs. In March, Regulatory Committee agreed to increase the standing rate (the rate charged once at the start of a journey) by 10% across all tariffs. The additional request to review the incremental rate had come specifically from a licensed driver that completed longer journeys, which occurred less, and such he felt that he did not benefit in the same manner. This request received was shown in Appendix 1.

The options consulted on and response rates, as set out in section 2 of the report were summarised to the Committee. The full response to the consultation was shown in Appendix 2.

Debate ensued, and Members recognised longer-term issues such as the rise of inflation, the high prices of petrol and diesel, and the war in Ukraine as potential causes. There were also raised points about the economic situation and whether the lack of support in the consultation process was enough to warrant an increase in the fares. Members commented on the limited number of responses, in comparison to the previous consultation, with only the minority explicitly wanting an increase. There was also concern about the possible reaction by local people to any increase in fares and the subsequent loss of business.

In response to a questions and comments, Officers confirmed changing tariffs did have a knock-on cost to operators. Members enquired as to whether it was feasible and/ appropriate to link these charges, and changes to charges, to inflation, and looking at them more regularly. In responding, Members learned that the taxi trade could propose a raise at any time, that there was no natural mechanism for a fare increase to match inflation, and that regular changes may not be supported by the Trade given the costs involved in re-calibrating the machines in vehicles, referred to earlier. It was suggested this matter was best lead by the Trade, as it was at present.

Having considered the impact on both the taxi-drivers and their customers, taking into consideration the number and nature of consultation responses. It was proposed and seconded that there should be no increase. Upon taking the vote, it was unanimously

RESOLVED that the incremental rate within the current taxi fare tariffs be not increased.

11 GAINSBOROUGH CEMETERIES PSPO - DECISION

Members gave consideration to a report which provided Members of the Regulatory Committee the background to, and the decision in respect of the Gainsborough Cemeteries Public Space Protection Order (PSPO).

The Public Space Protection Order (PSPO) for Gainsborough Cemeteries had been in place since 2019 and was due to expire on 13th October 2022. Both sites were owned and managed by Gainsborough Town Council.

The report provided information on the consultation response regarding the discharge of the PSPO these were summarised to the Committee and set out in Section 4 of the report. The

Officer concluded the introduction by advising that discussions relating to specific problems in the town and cemeteries were ongoing, as was the review of additional powers. A report was due at this Committee in December 2022

Debate ensued, and there was discussion over the low level of interest in the consultation, the possible deterrent effects of the PSPO, and the support for its continuation from Gainsborough Town Council. There were also statements regarding general anti-social behaviour in the District, including dog fouling and a lack of regular enforcement. Officers confirmed regular patrols would remain in the absence of the PSPO and outlined the effective deterrents in place.

In response to questions, Officers confirmed a PSPO could be re-instated and outlined the work involved, and the timeline involved. However, it was re-emphasised that the scale of the problem on the site did not meet the level required by legislation, to support the continuation of the PSPO at present.

It was confirmed that Gainsborough Town Council did not offer any support for this additional work but Officers advised that future endeavours would include collaboration with parish and town councils. Gainsborough Town Council did not employ someone trained to issue fixed penalty notices (FPNs). Officers explained this function could be delegated, as was in some parishes utilising FPNs. Officers explained the main issue was a lack of individuals willing to conduct enforcement procedures.

It was confirmed that the discharge of the PSPO applied to both the Ropery Road Cemetery and the Gainsborough General Cemetery.

Having been proposed and seconded, on voting it was unanimously

RESOLVED that the “Gainsborough Cemeteries PSPO” be discharged and not renewed when it expired on the 13 October 2022.

12 CAFE/PAVEMENT LICENSES - EXTENSION OF SUB DELEGATION

On the 21 July 2020 an Urgent Delegated Decision had been taken 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 30th September 2021. With the legislation extended, this decision to delegate was further ratified for another 12 months at the Regulatory Committee meeting held on 16 September 2021, extending the delegation to 30 September 2022.

It had now been confirmed that the provisions within the Act would be extended until the 30 of September 2023. 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 further extended until 30th September 2023. The Committee were also asked to consider, in the event the Act’s provisions were extended further, that the existing Sub-Delegation of Pavement Licenses to Lincolnshire County Council be extended until 30 September 2024.

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. The Officer concluded his presentation to emphasise that resolution c) was about communication with the Committee.

Debate ensued, and Members expressed their general support for continuing the process. Some Members referenced case studies in their wards and asserted problems with Lincolnshire County Council's approach regarding enforcement. It was highlighted in the debate that Members could contact the Licensing and Enforcement teams at any point about issues in their wards.

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, and that local ward members would also be informed. Members were reminded the legislation was to enable businesses to succeed. Members also learned that Lincolnshire County Council notified West Lindsey District Council and the relevant parties and would contact the Environmental Protection team, the Health officers, and the local ward member(s), utilising a time-limited online portal for comments. Further assessments would then include site visits and making residents aware that a cafe/pavement license application had been made.

Having been proposed and seconded, upon taking the vote, it was

RESOLVED that: -

- a) the Districts Council's function in relation to "Pavement Licenses" under the Business and Planning Act 2020 be delegated to Lincolnshire County Council for a further 12 months up until the 30 September 2023;
- b) the Districts Council's function in relation to "Pavement Licenses" under the Business and Planning Act 2020 be delegated to Lincolnshire County Council for a further 12 months beyond this, to 30 September 2024, subject to the provisions within the bill remaining in place; and
- c) to enable Members to determine whether the matter should be called back to Committee prior to the delegation ceasing, information relating to "Pavement Licenses" be shared electronically with Members of the Regulatory Committee in advance of the end date of each delegation.

The meeting concluded at 7.22 pm.

Chairman