

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 15 June 2023 commencing at 6.30 pm.

Present: Councillor Jim Snee (Chairman)
Councillor Mrs Mandy Snee (Vice-Chairman)

Councillor Eve Bennett
Councillor Stephen Bunney
Councillor Karen Carless
Councillor Liz Clews
Councillor Paul Lee
Councillor Maureen Palmer
Councillor Roger Pilgrim

In Attendance:
Andy Gray Housing & Environmental Enforcement Manager
Kimble Enderby Senior Licensing and Community Safety Officer
Katie Storr Democratic Services & Elections Team Manager
Andrew Warnes Democratic and Civic Officer

Apologies: Councillor David Dobbie
Councillor Mrs Angela Lawrence

Membership: Councillor Stephen Bunney substituting for Councillor David Dobbie.

1 PUBLIC PARTICIPATION

There was no public participation.

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF PREVIOUS MEETINGS

RESOLVED that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 22 September 2022 be confirmed and signed as an accurate record.

4 MATTERS ARISING SCHEDULE

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**.

5 SCHEDULE 4 - ABANDONED SHOPPING TROLLEYS: REVIEW AND CONSULTATION

Members gave consideration to a report which provided a review of the Schedule 4 scheme to-date and proposed consultation on the Scheme's future continuation.

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.

The issue of abandoned shopping trolleys was still present in Gainsborough and the collection rates were now averaging 12 - 13 per week. The first quarter of 2023 had seen the number fall below an average of 10 per week, a reduction of 62% since the implementation of the Scheme.

The report set out the rationale for the Scheme continuing and the consultation process was a statutory obligation on the Authority if they wished to continue, amend or cease the Scheme. The dates and purpose of the Consultation were set out within the report.

Debate ensued, and in response to a query about the type of supermarkets this would apply to, Members learned that the Scheme applied to the larger supermarkets and was not applicable to smaller convenience stores nor more general stores that had trolleys.

Having been proposed and seconded, on taking the vote, it was unanimously

RESOLVED that:-

- a) the progress of the scheme to date be noted;
- b) the proposals for consultation to take place for a 4 week period commencing Friday 23rd June 2023 be approved; and
- c) a further report be brought back to Regulatory Committee in September 2023 to provide the outcome of the consultation and recommend a course of action for the scheme's future.

6 FOOD, HEALTH AND SAFETY WORK PLAN 23/24

Members gave consideration to the Food, Health and Safety Work Plan 2023/24. The Council was required to produce and approve a Work Plan that was in line with the Food Standards Agency (FSA) Framework Agreement and the Statement of Commitment, agreed nationally, between Local Authority Representatives and the Health and Safety Executive.

The Committee therefore considered such a Plan, which covered all work undertaken within the Housing and Environmental Enforcement work area, relating to Food and Health and Safety. The Plan's purpose was to set out how the Council delivered its official controls and fulfilled its duties under Food, Health and Safety, Public Health and Drinking Water legislation.

The Plan before Members also reflected the work conducted over the past municipal year. In terms of inspections, the Authority completed over 90% and the last year signified the end of a challenging period, particularly due to the Covid pandemic, requiring redeployment and temporary resourcing. Section 3 detailed the demand on the Service over the last 4 years and Section 4 detailed the approach which had been taken to inspections during 22/23. It was anticipated that when accounting for both routine planned and unplanned inspections between 274 and 296 food hygiene inspections would be required in the current financial year.

Section 5 of the report highlighted that additional resources may be needed to ensure that the Council's food hygiene requirements were met, along with its health and safety requirements with Section 7 setting out the actions to be taken to address this. Members were advised that an update report on progress against the Plan and its targets would be provided to the Committee at its December 2023.

Without any other comment, having been proposed and seconded, upon taking the vote, it was unanimously

RESOLVED that: -

- a) the Food, Health and Safety Work Plan as detailed at Appendix 1, be approved.
- b) the commencement of a T24 Internal Review of the Food, Health and Safety work area in May 2023, as set out in section 7, be noted.
- c) an update on progress against the plan be brought to Regulatory Committee at its December 2023 meeting.

7 DISTRICT WIDE DOG FOULING PSPO

Members gave consideration to the District Wide Dog Fouling Public Space Protection Order (PSPO).

In June 2020 the Council designated its "Dog Fouling Public Space Protection Order", which was in place until the 5th of June 2023. This PSPO focused on dog fouling and disposal and applied across the whole district. It also included a provision for individuals to carry and have available a means to remove dog fouling.

The impact of dog fouling on both the natural environment and on public health was well known. It was essential for the Council to promote responsible dog ownership and to ensure that where this is not the case there was provision, in law, for addressing it. Members

learned that part of the PSPO prior to this report required a consultation period, which had resulted in a wide array of support for an extension of the Order.

The PSPO gave the Authority the power to issue fixed penalty notices and the report proposed that the existing PSPO be extended for an additional three years, with a general acceptance to carry on with ongoing action.

Debate ensued, and Members were appreciative of retaining the existing PSPO. In response to a set of queries on replacing the signage as a deterrent, officers explained that the Authority was happy to provide those replacements. Members also expressed desire for greater collaboration between the Authority and Parish Councils on this matter.

With no further discussion, having been proposed and seconded, upon taking the vote, it was unanimously

RESOLVED that the Dog Fouling PSPO be extended for a three-year period from 6th June 2023 to 5th June 2026.

8 PAVEMENT LICENSES

Members gave consideration to the Pavement Licenses report, which proposed revisions to the powers sub-delegated to Lincolnshire County Council in respect of Pavement Licensing.

In September 2022, the Regulatory Committee had agreed to delegate the District Councils function under the Business and Planning Act 2020 for “Pavement Licenses” to Lincolnshire County Council for a further 12 months up until the 30 September 2023. The Committee had also agreed to delegate the same function until 30th September 2024, subject to the provisions remaining in place. The licenses ran annually, with many businesses taking them out during Covid. It was the Authority’s role to ensure the relevant stakeholders were aware, consult, and report to the Lincolnshire County Council.

Prior to this Act pavement licences (also known as “street café licences” and “tables and chairs licences”) which allowed businesses such as cafes, restaurants and bars to place furniture on the highway were determined by Lincolnshire County Council (LCC) under the Highways Act 1980.

Since September 2022, the Government had been seeking approval for the Levelling-Up and Regeneration Bill (The Bill), which would now include the provisions for Pavement Licenses and would allow the Licensing Authority to charge a fee for the service. As such this required an amendment to the delegation in place

Members heard of the two options available, which were to either continue with, and amend the sub-delegation to enable the charging of fees as per the Bill, or to cease the sub-delegation and deliver the service in house. Members noted the number of licences were small, whilst the cost of introducing a new service could be considerable. As such it was being recommended that the delegation be amended to allow continued delivery by the County Council. Assurance was offered that the Committee would continue to have the ability to review this arrangement at least annually.

With no further comment, having been proposed and seconded, upon taking the vote, it was unanimously

RESOLVED that: -

- a) the Districts Council's function in relation to "Pavement Licenses" under the Business and Planning Act 2020 and subsequently the Levelling Up and Regeneration Bill be delegated to Lincolnshire County Council until September 2024;
- b) Lincolnshire County Council be permitted to set and charge a fee of up to £500 for a new licence and £350 for a renewal under the delegation granted above until September 2024; and
- c) a summary of the delegation relating to Pavement Licenses be presented to Regulatory Committee annually and any further delegations considered within these reports.

The meeting concluded at 7.00 pm.

Chairman