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Licensing and Regulatory Committee - 26 January 2017

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 26 January 2017 commencing at 6.30 pm.

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

Councillor Gillian Bardsley
Councillor Sheila Bibb
Councillor Mrs Pat Mewis
Councillor Judy Rainsforth
Councillor Lewis Strange

In Attendance:

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

Apologies:

Councillor David Cotton
Councillor Paul Howitt-Cowan
Councillor Angela Lawrence
Councillor Richard Oaks
Councillor Mrs Diana Rodgers

Membership: There were no substitutions

19 PUBLIC PARTICIPATION

There was no Public Participation.

20 MINUTES OF PREVIOUS MEETINGS

RESOLVED that the Minutes of the Licensing and Regulatory Committee held on 13 December 2016 be confirmed as a correct record and signed.

RESOLVED that the Minutes of the Taxi and General Licensing Sub-Committee held on 13 December 2016 be confirmed as a correct record and signed.

21 DECLARATIONS OF INTEREST

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

22 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.

The report had been presented for Committee consideration at the previous meeting on 13 December 2016, following which a number of questions had arisen, for which the answers were not immediately available. It was proposed that the item be deferred pending that additional information being received. Minute extract below.

“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 information and answers to questions requested by Councillors had now been established, and were set out in the report.

- Does the Dogs (Fouling of Land) Act 1996 designation still apply? (this required dog owners to pick up after their dogs across the District)
 - o No. The 1996 Act was repealed in full by the Clean Neighbourhoods and Environment Act 2005 Part 6, Chapter 1, and this itself was repealed by the Anti-Social Behaviour, Crime and Policing Act 2014 schedule 11. This means there is currently no provision for WLDC to enforce against uncleared dog fouling in the District.
- Will the introduction of PSPOs in the District impact on any current Dog Control Orders? (Dog Control Orders were made under the 2005 Act by Parishes/Towns on their land and cover dog exclusions, dogs on leads etc)
 - o Not unless the intention is to replace the Dog Control Order with a PSPO. In the three proposals as part of our paper, Gainsborough Town Council Dog Control Orders will be replaced by a PSPO. The Dog Control Orders in Caistor and Cherry Willingham will not be affected, and these will remain in force until 20 October 2017. We will review these orders prior to that date to ensure we can bring in PSPOs to replace them (if desired) before the current orders expire.
- Can Town/Parish wardens issue fixed penalty notices for breach of a PSPO?
 - o Yes, a re-read of the legislation and confirmation from legal services indicates that

we can delegate powers to Parish and Town Wardens as we have done in the past. Officers will undertake to put these delegations in place and ensure that Wardens are trained and understand the new powers.

On receiving the information, Members then debated the matter briefly. It was asked what hours wardens worked, and clarified that resources would be directed to areas with particular issues, based on intelligence received, rather than any set out of hours patrols.

It was suggested that it would be useful to see cost comparisons of having a dedicated dog warden against the proposed scheme, over a six month period. The Housing and Communities Team Manager assured members that following a restructure of the enviro-crime team, a wider picture should be available in the summer.

The recommendations were moved en bloc, however the Housing and Communities Team Manager interjected that the position on the consultation periods had had to be reviewed, and suggested that whilst all the proposed PSPOs could be submitted to the June Committee, it would be possible to consider the Dog Fouling order earlier than that.

Therefore the consultation dates were proposed to be:-

- PSPO Trinity Arts Centre – 13 April to 15 May – then brought back to the June Committee
- PSPO land belonging to Gainsborough Town Council - 13 April to 15 May – then brought back to the June Committee
- District wide PSPO for dog fouling – 13 February to 27 March then to Committee in April.

The above timescale would necessitate an additional meeting being convened in April however, given that there were no other items of business currently programmed for the Committee, the March meeting be simply moved to April.

The revised consultation dates were agreed, and there being no further discussion the recommendations were moved en bloc, seconded and voted upon.

RESOLVED that:-

- a) authority be given to consult on Proposal 1 – PSPO on Trinity Arts Centre Grounds;
- b) authority be given to consult on Proposal 2 – PSPO on land belonging to Gainsborough Town Council;
- c) authority be given to consult on Proposal 3 – District Wide PSPO for dog fouling;
- d) the suggested consultation plan and timeline be approved.

The meeting concluded at 6.49 pm.

Chairman

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