

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 6th May 2014 at 10.00 a.m.**

PRESENT: County Councillor: L. Guppy (Chairman)

County Councillors: R. Edwards, D.J. Evans, R.J. Higginson, S. Howarth, J. Prosser, B. Strong and P. Watts.

OFFICERS IN ATTENDANCE:

Mr G. Perry	- Public Protection Manager
Mrs L. O' Gorman	- Principal Licensing Officer
Mr H. Owen	- Specialist Environmental Health Officer
Mrs P. Perkins	- Legal Assistant
Mrs S. King	- Senior Democratic Services Officer

APOLOGIES FOR ABSENCE

1. Apologies for absence were received from County Councillors R. Chapman, J. Marshall and A.E. Webb.

DECLARATIONS OF INTEREST

2. There were no declarations of interest.

CONFIRMATION OF MINUTES

3. The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 11th March 2014 were confirmed as a correct record and signed by the Chairman, subject to the following amendment:

- **Item 5, Page 4 – change to *'renewal rate of £364 which is fair and equitable.'***

SUB COMMITTEE MINUTES

4. The minutes of the Licensing Sub Committee meeting held on 28th October 2013 were confirmed as a correct record and signed by the Chairman, subject to the following amendment: .

- **Change to Header on page 2 onwards, meeting date Monday 28th October 2013.**

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PRESENTATION – ‘GIVE DOG FOULING THE RED CARD’ PILOT SCHEME

5. The Public Protection Manager introduced the Specialist Environmental Health Officer and we received a presentation on ‘Give Dog Fouling the Red Card’ pilot scheme.

During the presentation we noted the following points:

- We were advised that information would be presented relating to the Dog Fouling and Littering Working Group in Severnside.
- There was a recognised problem in terms of dog fouling.
- The Officer was responsible for leading the public health team, public health covers wide range of issues, problems with living conditions, noise, smell, pest, a variety of issues.
- One problem where complaints had been received was dog fouling, 160-180 complaints received per year. Emotive subject and the problem was apparent in Monmouthshire, as well as other authorities.
- Monmouthshire County Council does not have a statutory duty to deal with dog fouling, however, Environmental Health have a power to act.
- There is statutory legislation in place which makes dog fouling an offence in certain designated areas, Monmouthshire County Council designated these in 1996.
- In 2011 PCSO’s were empowered to give fixed penalty notices of £75, which would be reduced to £50 if paid within 10 days. The problem identified was catching people, the majority of offences happen late at night or early morning, when there are no witnesses. Patrolling had not been an effective means of tackling the problem.
- Severnside Area Committee established a working group, as complaints had been received. Minimal resources had been used and there was a two prong attack to help improve situation and the 6 month pilot commenced 30th April, main focus:
 - Raise awareness, with dog owners so they’re aware of public health concerns.
 - Branding ‘give dog fouling the red card’ signs gone up in area with that information.
 - Most people associate with penalties (football link).
 - Funding received from tidy towns.
 - Spray paint received, and volunteers spraying dog faeces – to try to appeal to people’s social conscious.
 - Will only reduce incidents by raising awareness.
- There was a requirement to generate local peer pressure:
 - In the past, the public have contacted Environmental Health and a letter was sent to the offender, however, this does not have as much impact as the team would like.
 - In future, will go to community councils for them to contact individual (face to face or written).
 - Bags will also be provided by community councils to encourage.

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- Some concerns had been expressed from Community Councils, in relation to the amount of work involved. Complaints would be passed to the relevant Town/Community Council, the aim was to raise awareness and add to social conscious of problem.
- Need local solutions to local problems.
- Not dissolving all responsibilities, if someone is prepared to give witness statement then it would be possible or a fixed penalty notice to be issued. If the penalty is not paid then it would be followed with court action.

Members were invited to comment and ask questions, during discussion we noted the following:

- Statutory duties were linked with specified issues i.e. air pollution.
- The Legal Officer advised that an Act would specify that a local authority 'must', but if it was not a statutory duty it would state 'may'.
- The local authority would have a power to act as dog fouling would be an offence.
- The street cleansing section would be responsible for cleaning streets and litter picking, dog fouling would be considered within this remit. The dog fouling act enables the authority to designate zones that are covered and would be considered an offence i.e. residential area, parks, play areas, pavements, roads, however, not all locations would be covered.
- A query was raised regarding dog faeces being considered as contaminated waste and concerns were expressed that bins within the community were not collected weekly. We were advised that regulations were complicated and it was highlighted that waste can be disposed in bins and household refuse. Monmouthshire County Council would provide the opportunity i.e. waste bins and refuse collection. The position regarding contaminated waste would be clarified.
- Some complaints had been made to local members regarding dog fouling bins not being emptied. The role of Environmental Health would be enforcement, bins should be used more and should be emptied more. However, there would be an added cost.
- It was noted that Town/Community councils were using different contractors. It was suggested that by collaborating there may be savings achieved by using the same contractor. However, it was advised that one contractor should not cover the whole county.
- Officers do not have the capacity to patrol streets and it had been recognised that most offences occurred during the night.
- We were advised that waste collection was not the responsibility of Environmental Health department and clarification would be provided regarding the collection process.
- A member highlighted that dog fouling was a problem within their ward and identified two factors, 1) need to educate people and catch them and 2) fines should be issued.

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- The pilot would be operated for 6 months and it was agreed that feedback would be obtained from participating Town/Community Councils. It was anticipated that it would be rolled out across Monmouthshire County Council if a success. The focus was to have a single brand across Monmouthshire, to increase awareness and make people more aware of issues.
- Members endorsed the pilot scheme. It was suggested that the initiative could be scrutinised and monitored by the Strong Communities Select Committee.
- It was highlighted that areas were identified in 1996 and members requested detail of the specific areas that could be promoted.
- There were no dog control areas in Monmouthshire as certain areas would have to be specified and it could not apply to the whole County generally.
- Members were advised that few people were prepared to give witness statement, however, sufficient information could be obtained for officers to progress issue.

NOISE POLLUTION

5a. The Public Protection Manager invited the Specialist Environmental Officer to provide information to the committee in relation to noise pollution and during discussion we noted the following points:

- Noise is blight on people's lives and can be the narrow end of antisocial behavioural problems. The Environmental Health Team deal with issues well, particularly neighbour to neighbour issues which do not want to be escalated and cause further problems, to worsen the situation. Mediation would be the first action.
- Committee would be concerned with noise from licensed premises and should be aware of scale of workload in that area.
- There was a great deal of importance on liaising with licensing section, to deal effectively and efficiently with problems of premises.
- On average there were 350-450 noise complaints annually, of these 40% related to barking dogs, 13% related to commercial premises. The Licensing Section undertakes significant work in terms of controlling licenses conditions. It reflects fairly the low level of complaints, by following the robust conditions implemented when license issued.
- In relation to noise from isolated premises, the complaints policy is that anonymity of complainant is protected. Details would be taken and the licensee would be contacted and responsibilities would be highlighted. There is no definition of statutory nuisance, each case would be taken on its own merits but encourage owners to be responsible.
- Complaints made to the police are logged, which would be discussed at meetings with licensing section and would be subject to review.
- The team try to respond to the complainant within 3 working days. However, most offences occur out of hours. If complainants return as the problem is repeated, then the team would install noise monitoring equipment and officers would listen to evidence and the appropriate action would be progressed.

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- If there are a number of complaints that raise concern or situations where the licensee has not compromised, then a meeting would be arranged with Police, Environmental Health and Licensing section to clarify expectations.
- Fireworks would be an offence and the team have a role in investigating as a statutory nuisance, however, very few complaints are received.
- As offences often take place out of hours, the complainant should ring the police or County Hall emergency number. Designated officers could be contacted in an emergency, however, the majority of noise complaints would not be considered an emergency and the resources were not available for an out of hours line to be operated by the Environmental Health team.
- In most cases complainants would contact the police, and they would respond which is effective in most cases. A report would be received by Monmouthshire County Council, which would trigger officer involvement. Once the complaint is received, the team would do everything possible to resolve.
- It was noted that officers would attend various sites on bank holidays and during events to listen to noise, but resources were not available to attend frequently and operate an out of hours service.
- Planned out of hours visits are undertaken, to see if there is a basis for complaints, but it is not possible to visit one off incidents as complaints are made.
- Members were reminded of the process and the importance and impact regarding public health that noise issues can present.

We thanked the officer for attending and providing the information.

GAMBLING ACT 2005 – PREMISES LICENCE FEES

6. We received a report from the Principal Licensing Officer, which agreed the fees to set for the Authority in relation to Premises Licences under the Gambling Act 2005 for 21st May 2014 to 20th May 2015.

The Authority currently licence eleven premises under the Gambling Act 2005 consisting of nine betting premises, one track betting and one adult gaming centre all of whom will be required to pay an annual fee.

The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a “reasonable” cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years). However, The Regulations referred to in 3.4 above has stipulated a maximum figure a local authority is permitted to charge for the licensing of premises under the Gambling Act 2005.

An assessment of the cost and the maximum amount a local authority can charge for premises licenses had been undertaken and was presented as an appendix to the report. As a result of this assessment the report proposed that the fees commencing the 21st May 2014 be set as stipulated in Appendix A.

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We resolved to agree recommendations within the report as follows:

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2014; and
- (ii) The fees subsequently be reviewed annually.

DATE OF NEXT MEETING

7. We noted the date and time of the next Licensing and Regulatory Committee as Tuesday 17th June 2014 at 10.00am.

The meeting ended at 11.25am.