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| MEETING: | REGULATORY COMMITTEE |
| DATE: | 5 APRIL 2011 |
| TITLE OF REPORT: | PROGRESS OF REGULATORY MATTERS |
| PORTFOLIO: | ASSISTANT DIRECTOR LAW & GOVERNANCE |

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the main activities of those involved in regulatory matters since the introduction of changes to the Constitution on 1st February, 2011.

CHANGES TO THE CONSTITUTION

1. Members will recall that at its meeting on 19th November, 2010 Council approved changes to the Constitution which came into effect on 1st February, 2011. This also involved the creation of an officer review panel which is comprised of officers from licensing, the legal team and safeguarding.
2. The Committee has also decided that the Regulatory Sub-Committee, in addition to its existing duties under the licensing and gambling Acts, will deal with the following matters:
 - hear appeals arising from the refusal of taxi driver applications and officer panel recommendations for the revocation of existing licences; and
 - those footpath/bridleway diversion applications which have 'major issues' to be resolved.
3. The Committee feel that the changes will give greater flexibility to it by removing the need to deal with relatively routine tasks and free it up for the more strategic matters, policy issues and reviewing the performance of those departments which are involved in the regulatory arena.

THE NEW OFFICER REVIEW PANEL

4. The panel (Taxi & County Transport Badge Officer Panel) held its first meeting on 1st March and dealt with an application for a dual hackney carriage/private hire driver's licence and a referral from the police about a hackney carriage found to have been driven without insurance. The two matters were dealt with as follows:
 - the application for a dual drivers licence and County Transport Badge was granted, subject to the applicants version of events regarding a police caution

proving to be correct (the applicant's version of events were subsequently found to be at variance with what was alleged to have happened by a complainant, and the matter was referred to the Sub-Committee); and

- it was recommended to the Regulatory Sub-Committee that a dual driver's licence be revoked because the licence holder had not provided clear evidence to the officers that he held an insurance policy for a licensed hackney carriage.

REGULATORY SUB-COMMITTEE

4. The Sub-committee has met on two occasions since the new arrangements came into effect being and has dealt with the matters referred to it as follows:

(a) 7th March 2011

- Review of a Premises Licence: Eagle Inn, 23 Broad Street, Ross on Wye due to public safety and crime & disorder issues – decided that the hours for licensable activity be amended and additional conditions be attached to the licence.

(b) 18th March 2011

- Application for variation of premises licence in respect of 'Tesco, Orchard Lane, Ledbury – the applicants subsequently withdrew the application
- application for variation of premises licence in respect of 'Tesco 2, Abbotsmead Road, Belmont, Hereford - the applicants subsequently withdrew the application
- application from West Mercia Constabulary for an '*expedited licence review*' of the premises licence relating to 'East European Food, 133 Eign Street, Hereford – alcohol and tobacco were being sold there for which no UK tax had been paid. The Sub-Committee decided to suspended the licence with immediate effect, subject to a further review which will take place at its meeting on 26th April, 2011.
- application for a dual drivers licence and County Transport Badge referred from the Officers Panel - the Sub-Committee decided that the application should be granted because the applicant had provided sufficient evidence that he was a fit and proper person to hold a licence.
- proposed revocation of a dual drivers licence and County Transport Badge referred from the Officers Panel - the Sub-Committee decided that the licence should remain in force, subject to the licence holder providing the officers with evidence on a regular basis for the next twelve months, confirming that his vehicle was properly insured.

REVIEW OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY - LICENSING ACT 2003

5 At its meeting on 4th March 2011 Council approve the following recommendation from the Committee:

The Licensing Policy and the Cumulative Impact Policy, Licensing Act 2003, as submitted to the Regulatory Committee at its meeting on 1st February 2011 be adopted, subject to any subsequent review which may be required.

ADOPTION OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISC PROVISIONS) ACT 1982

6. At its meeting on 4th March 2011 Council approve the following recommendation from the Committee:

Schedule 3 and the amendments of Section 27 to the Local Government (Miscellaneous Provisions Act 1982) which gives power to regulate lap dancing clubs and similar venues be adopted by the Council.

COMMUNITY PROTECTION TEAM

7. At the last meeting the Committee decided that it would like to know about some of the other areas of regulatory work which the Council deals with. The Council's Community Protection Team have been involved with the following matters during 2010:
- (i) Number of 'incidents' dealt with (as recorded on Civica) – 4039
 - (ii) Number dealt with within target (5 days) – 3898 (96.5%)
 - (iii) Achieved grade 1 for NI 196 (very effective performance)
 - (iv) Worked closely with Waste Management with regards to local businesses cancelling or not renewing waste licences – as a consequence carried out 323 Duty of Care inspections on local businesses. As an example of the impact of this - in July Amey picked up 374 black bags in High Town, 355 in August, but in November this was down to 140 as a consequence of businesses disposing of their business waste more appropriately.
 - (v) 113 Fixed Penalty Notices issued (88 for littering, 17 for dog fouling, 7 for failing to produce a waste transfer note, and 1 for fly-posting). Payment of these realised £5,340.
 - (vi) There were 35 full investigations into named suspects for fly-tipping and associated litter offences. Each of these resulted in an evidential file for consideration of prosecution. As a consequence there was no further action in 10 cases (evidential issues), 2 people received a formal warning, 7 people received a formal caution, and 16 people were prosecuted. Of the prosecutions 14 defendants pleaded guilty and 2 not guilty. The 2 trials resulted in one conviction and one acquittal. Fines totalled £3,335 with a further £3,208 in costs being awarded.
 - (vii) The procedures for the collection and return of stray dogs were revised with more elements of the process being contracted out from March 2010. The subsequent release of Dog Warden time has enabled them to be deployed in an intelligence-led proactive manner to address issues of dog fouling, a problem frequently raised at public meetings as being a concern to communities. As a consequence since April 578 targeted patrols have been carried out, and complaints of dog fouling have fallen from a peak of 18 in June to just 3 in December.
 - (viii) In April the Community Protection Team Leader, initiated the first cross-border meeting of environmental crime teams (Forest of Dean) following a fly-tip on the Ross-Gloucester border. Since that first meeting he has established a bi-monthly meeting structure now attended by representatives of the Forest of Dean, Wychavon, Malvern Hills, Monmouth, Gloucester, Cheltenham, and Worcester. The group meets to share intelligence, good

practice and training opportunities, and is currently looking at options for an information-sharing database, and at joint working opportunities.

- (ix) In February and March the team was a key partner in the TAAG Graffiti Campaign, working with Amey, Safer Herefordshire and the Police. This involved a 'clean-up' of the worst affected areas across the County. This campaign attracted excellent publicity and was a success in terms of ridding Hereford and the market towns of unsightly graffiti that, in some cases, had been in place for many years. Preventative follow-up activity ensured that graffiti removed was not replaced.
- (x) On St George's Day the team led a 'tidy-up' at Yazor Brook and surrounding area, an area of long-standing concern in respect of dumped waste and litter. Working with Amey, the Police, the Environment Agency and a local school a substantial amount of waste was removed significantly improving the area for the enjoyment of the local community.
- (xi) In April, following a successful bid led by the Community Protection Team Leader, Herefordshire was selected as a campaign partner in the national Chewing Gum Campaign. The campaign was run between 18 August and 10 September and was supported by Safer Herefordshire and Amey working with the Community Protection Team. A real bonus for the Herefordshire campaign was securing 'Gumdrop' as a partner (an innovative new product focusing on the recycling aspects of chewing gum). The resulting publicity saw in the region of 4,000 articles appearing on the web with coverage reaching as far afield as Arizona and India. More locally the benefits of being a campaign partner was free publicity on street 'banners' and buses, and a strategically placed 'Ad-van'. Most importantly the campaign resulted in a 39% reduction of inappropriately dropped chewing gum in the 10 identified monitoring sites.
- (xii) Between May and September four 'Responsible Dog Owner' courses were run, at Hereford, Ross, Ledbury and Leominster. Each was well attended and proved to be very popular. The courses dealt with obedience training, and also covered legal requirements associated with dog ownership.
- (xiii) Between 20 September and 18 October the team took part in the Keep Britain Tidy Dog Fouling Campaign. The local focus was on education in a number of targeted areas identified as 'hotspots' ahead of the introduction of Dog Control Orders on 25 October.

BACKGROUND PAPERS Agenda papers from Council and the Regulatory Sub-Committee.