

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION PANEL held at Saxongate, Hartford Road, Huntingdon on Tuesday, 27 October 2009.

PRESENT: Councillor J M Sadler – Chairman.

Councillors K M Baker, J T Bell,
P L E Bucknell, R S Farrer, A Hansard,
D J Priestman, P D Reeve, J M Sadler and
R G Tuplin.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors J J Dutton and R W J Eaton.

12. MINUTES

The Minutes of the meeting of the Panel held on 17th June 2008 were approved as a correct record and signed by the Chairman.

13. MEMBERS' INTERESTS

No declarations were received.

14. JOINT AIR QUALITY ACTION PLAN

With the aid of a report by the Head of Environmental and Community Health Services (a copy of which is appended in the Minute Book) the Panel was acquainted with the progress of the statutory Air Quality Review and Assessment process. The report also sought authority for the Head of Environmental and Community Health Services to publish a joint Air Quality Action Plan in conjunction with Cambridge City Council and South Cambridgeshire District Council.

The Panel was reminded that it had granted authority to publish air quality progress reports and amend three of the Councils' four Air Quality Management Areas in June 2007, following the findings of a previous air quality assessment. Members were advised of the obligation on the Council to produce an Air Quality Action Plan (AQAP) which would propose actions to be taken in pursuit of the national air quality objectives. In view of the similarities in air quality issues arising from trunk roads within the three administrative areas of Huntingdonshire, Cambridge City and South Cambs, the draft AQAP had been developed jointly by the three authorities.

Members were advised that the draft plan had been developed over the past eighteen months and had been subject to a series of consultation workshops which had included input from district and county Members and officers, industry representatives, members of

the public and interested parties. The Panel heard that the Huntingdonshire measures had already been used in programmes such as the Local Transport Plan and the A14 upgrade but would not commit the District Council to any additional expenditure or policy measures which had not already been agreed via other regimes.

Following concerns raised over emissions from idling bus engines when waiting for passengers or interconnecting services, Members were assured that Cambridgeshire County Council Quality Bus Partnership was being encouraged to focus on Huntingdonshire as well as Cambridge. It was therefore

RESOLVED

that the Head of Environmental & Community Health Services be authorised to:

- a) publish the Joint Air Quality Action Plan; and
- b) publish subsequent annual progress reports on the Joint Air Quality Action Plan

15. THE OZONE DEPLETING SUBSTANCES (QUALIFICATIONS) REGULATIONS 2009

The Panel considered a report by the Head of Environmental & Community Health Services (a copy of which is appended in the Minute Book) seeking delegated authority to appoint suitably qualified officers to enforce the provisions of the Ozone Depleting Substances (Qualifications) Regulations 2009 on behalf of the Council.

Members were advised that the new regulations which had come into force on 9th March 2009 had been designed to prevent climate change through the regulation of ozone depleting substances known as hydrochlorofluorocarbons (HCFCs) and were directed at the residual use and control of HCFCs in refrigeration and air conditioning equipment. They also included minimum qualifications for those working on the recovery, recycling, reclamation or destruction of controlled substances. Members were informed that one of the main changes brought about by the regulations was the extension of responsibility for enforcement of the regulations to local authorities.

Having been informed that the new duties were a statutory requirement and would have no additional funding or staffing implications, it was

RESOLVED

- (a) that the contents of the report and the new duties established under the Ozone Depleting Substances (Qualifications) 2009 be noted;
- (b) the Director of Environmental and Community Health Services be authorised to appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Ozone Depleting Substances (Qualifications) Regulations 2009; and

- (c) the Head of Environmental and Community Health Services be authorised to initiate prosecutions under the Ozone Depleting Substances (Qualifications) Regulations 2009, with the prior agreement of the Chairman or Vice Chairman of the Licensing and Protection Panel.

16. THE FLUORINATED GREENHOUSE GASES REGULATIONS 2009.

Members were acquainted by way of a report by the Head of Environmental and Community Health Service (a copy of which is appended in the Minute Book) with details of the introduction of the Fluorinated Greenhouse Gases Regulations 2009.

The report also sought delegated authority to appoint officers on behalf of the Council to enforce the provisions of the regulations which had been designed to prevent climate change through the reduction of emissions of fluorinated greenhouse gases (F gases).

The Panel was advised that F gases included 3 families of chemicals with very high global warming potential which had been used as a replacement for ozone depleting substances which however were being gradually phased out under provisions of the Montreal Protocol. It was explained that F gas regulations concentrated on the containment of F gases during the end use phase of the product lifecycle, notably stationary refrigeration, air conditioning and heat pump equipment and in fire protection systems. The regulations which had come into force on 9th March 2009 prescribed requirements for companies and qualifications for personnel working in industry sectors covered by the regulations. Members heard that one of the main changes in the new regulations would be to include local authorities along with the Environment Agency as an enforcement body for the first time in premises where enforcement responsibility already existed within the local authority. The regulations also specified training and certification requirements for companies and their employees who carried out the required work on recovery of F gases during the servicing of equipment involved or at the end of the product lifecycle.

Members were advised that no additional funding or staffing would be required as the duties would be absorbed by existing staff who would have an additional range of powers in addition to powers of entry including provision for fixed penalties and criminal proceedings in the Magistrates' Court.

On being advised that the new duties were statutory requirements consistent with the Council's vision statement on climate change, Members

RESOLVED

- a) that the contents of the report and the new duties established under the Fluorinated Greenhouse Gases Regulations 2009 be noted;
- b) that the Director of Environmental & Community Health Services be authorised to appoint Environmental Health

- Officers and Environmental Protection Officers to enforce the provisions of the Fluorinated Gases Regulations 2009; and
- c) that the Head of Environmental & Community Health Services be authorised to initiate prosecutions under the Fluorinated Greenhouse Gases Regulations 2009 with the prior agreement of the Chairman or Vice Chairman of the Licensing and Protection Panel.

17. HEALTH AND SAFETY AND FOOD SAFETY ENFORCEMENT POLICIES

Consideration was given to a report by the Head of Environmental and Community Health Services (a copy of which is appended to the Minute Book) to which was appended draft policy statements for health and safety and food safety enforcement. Members' approval was sought for the adoption of the policies which had been revised to comply with recent changes in legislation, primarily the Regulatory Enforcement Sanctions Act 2008 and changes to the Food Standards Agency, food law code of practice

The Panel was advised that in order to achieve the objectives of the policies, enforcement action would be proportionate to the risk presented and in accordance with the principles of consistency, transparency, helpfulness, openness and the targeting of resources.

Having noted that the revisions did not represent significant variations from previous plans and that further revisions to the enforcement policies would be necessary to reflect future changes in legislation, statutory guidance, Government policy and organisational structure, the Panel,

RESOLVED

- (a) that the contents of the report and the revised Food Safety Enforcement Policy and Health and Safety Enforcement Policy as set out in the appendices to the report now submitted be approved; and
- (b) the Head of Environmental and Community Health Services be authorised to review the Food Safety Enforcement Policy and the Health and Safety Enforcement Policy as appropriate and to approve any necessary changes after consultation with the Chairman or Vice Chairman of the Licensing and Protection Panel.

18. 'SCORE ON THE DOORS' UPDATE

With the aid of a report by the Head of Environmental and Community Health Services (a copy of which is appended in the Minute Book), Members were updated on the success of the Council's Food Hygiene Rating Scheme 'Scores on the Doors' which had been launched in October 2008.

Members were advised that the scheme, which had involved giving food hygiene ratings to all caterers and takeaway businesses during

routine inspections, had proved popular with both businesses and consumers and had resulted in over 40,000 hits on the Council's website where the results were published. It had also had the effect of increasing standards with those receiving 5 stars having increased from 47 in 2008 to 106 in 2009. This had led to reduced enforcement activity and the number of reported food poisoning cases had reduced by 7% compared to the previous year.

Members heard that although costs associated with the scheme could currently be met by existing budgets this might not be sustainable if there were further increases in service provider costs associated with the website.

Members were advised that although 105 Councils operated the same scheme as the District Council, the Food Standards Agency had been considering the implementation of a significantly different national 5 star scheme, if the latter was introduced, Members were advised that a further report would be submitted at a future meeting of the Panel.

RESOLVED

that the contents of the report be noted.

19. HEALTH PROTECTION REGULATIONS

With the aid of a report by the Head of Environmental and Community Health Services (a copy of which is appended in the Minute Book) the Panel noted draft regulations produced by the Department of Health implementing a modernisation process for infectious disease notification and control as a result of changes introduced by the Health and Social Care Act 2008.

Members were informed that the regulations, which it was anticipated would come into force in early 2010 following a period of consultation, had been designed to be more flexible and to give greater safeguards to those affected by them. The regulations would introduce new powers and responsibilities for local authorities to allow for an appropriate response to public health threats and as such would have an impact on service delivery.

The proposals were set out in three sets of draft regulations which would enable authorities to adopt wide ranging actions in the case of notifiable diseases including detentions and quarantines of infected persons and decontaminating affected premises.

Councils would have a duty to have regard to the welfare of anyone whose liberty was restricted by a public health order and might have to provide services for people if they were housebound, with power to recover costs.

Members were made aware of the significant legal and potential human rights implications for the Council as a consequence of the legislation, with the safeguard of a magistrate's order when applying restrictions on peoples' civil liberties. A further report would be presented when the regulations had been introduced to ensure that the necessary officer authorisations were approved by the Panel.

RESOLVED

that the contents of the report be noted.

20. ENFORCEMENT POLICIES

Members were acquainted by a way of a joint report by the Heads of Environmental and Community Health Services and Democratic and Central Services (a copy of which is appended in the Minute Book) with the implications of the Regulatory Enforcement and Sanctions Act 2008 which had come into effect in October 2008.

Members were advised that the Act was an important element in delivering the Government's commitment to the implementation of the Hampton agenda on regulatory reform and the reduction of the burden on businesses.

The Panel was advised that the Act delivered a number of distinct but related policy areas, relating to the advancement of Hampton's vision of a national and local regulatory system that was risk based, consistent, proportionate and effective. The Act had established the Local Better Regulation Office to promote better regulation and co-ordination between local authorities and central government in minimising the burdens of regulation on compliant businesses. It also sought to establish a Primary Authority scheme to improve consistency of advice and enforcement which would prove resource intensive for those councils nominated by businesses to be their Primary Authority.

The Panel was advised that a range of enforcement policies would need to be updated by relevant Heads of Service to reflect the requirements of the Act and there would be an ongoing requirement for enforcement policies to be reviewed and updated where appropriate. It was therefore

RESOLVED

- (a) that the contents of the report be noted;
- (b) that Heads of Service be authorised to review enforcement policies having specific regard to the content of the Regulatory Enforcement and Sanctions Act 2008 and to introduce any necessary changes after consultation with the relevant executive councillor, chairman or vice chairman; and
- (c) relevant Heads of Service be authorised to review their enforcement policies as and when appropriate, following the implementation of future legislation or statutory codes and to approve any necessary changes after consultation with the relevant executive councillor, chairman or vice chairman.

21. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' CRIMINAL CONVICTIONS

With the aid of a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) the Panel was informed of the requirement for the licensing authority to require applicants, as part of the process of applying for a hackney carriage and private hire driver's licence, to provide details of any places of residence over the previous five years whether or not they resided in the United Kingdom.

Members were informed that as part of the application process licence applicants who had resided outside the UK at any time in the previous five years were now being required to apply for 'statement of good conduct' from the relevant embassy or police force in their previous country of residence at their own expense. It was explained that the normal enhanced disclosure from the Criminal Records Bureau would only reveal offences where the applicant had been convicted by a Court within the United Kingdom and that the additional information was required in order to help determine whether an applicant was a 'fit and proper person' to be the holder of a licence.

RESOLVED

that the contents of the report be noted.

22. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

The Panel received a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) advising of an enquiry regarding the possibility of making an application to license a private hire vehicle fuelled by liquefied petroleum gas (LPG) which was currently precluded by the Council's licensing conditions.

Members concurred with the view that it would be appropriate to allow the licensing of LPG fuelled vehicles following the addition of specific conditions.

RESOLVED

- (a) that licensing of vehicles converted to run on liquefied petroleum gas be approved; and
- (b) the additional licensing conditions be approved for inclusion in the schedules of licensing conditions for hackney carriage and private hire vehicles as set out in paragraph 2.1 of the report now submitted, subject to an additional requirement for an annual inspection certificate to be supplied by the licensed proprietor to the Council.

23. LAP DANCING

With the assistance of a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) the Panel was alerted to impending legislation which would introduce a requirement for lap dancing clubs to be licensed by the Council.

As a result of the growth of such venues in recent years, Members were advised that the Local Government Association and pressure groups had been lobbying for lap dancing to be subject to further regulation in addition to any premises licence required under the Licensing Act 2003 for the sale of alcohol and provision of regulated entertainment.

It was explained that proposed legislation contained in the Policing and Crime Bill was likely to be enacted shortly and would define lap dancing clubs and similar establishments as sex encounter venues which would require licensing as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

RESOLVED

that the report be received and noted.

24. LICENSING AND PROTECTION APPLICATIONS SUB-GROUP

The Minutes of the meetings of the Licensing and Protection Applications Sub-Group held on 3rd June 2009, 6th July 2009, 18th August 2009 and 24th September 2009 were received and noted.

Chairman