

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION PANEL held in Civic Suite 1a, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Wednesday, 26 October 2011.

PRESENT: Councillor J W Davies – Chairman.

Councillors K M Baker, I J Curtis, J J Dutton, R S Farrer, G J Harlock, C R Hyams, T D Sanderson and S M Van De Kerkhove.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors A R Jennings, Mrs P A Jordan and A J Mackender-Lawrence.

15. MINUTES

The Minutes of the meeting of the Panel held on 9th June 2011 were approved as a correct record and signed by the Chairman.

16. MEMBERS' INTERESTS

No declarations were received.

17. ELECTION OF CHAIRMAN

RESOLVED

that Councillor J W Davies be elected Chairman of the Panel for the ensuing municipal year.

Councillor J W Davies in the Chair.

18. APPOINTMENT OF VICE CHAIRMAN

RESOLVED

that Councillor G J Harlock be appointed Vice-Chairman of the Panel for the ensuing municipal year.

19. NATIONAL FOOD HYGIENE RATING SCHEME

The Panel received a report by the Head of Environmental and Community Health Services (a copy of which is appended in the Minute Book), seeking approval to migrate from the Council's current 'Scores on the Doors' (SOTD) food hygiene scheme to the National Food Hygiene Rating Scheme (FHRS) operated by the Foods Standards Agency (FSA) and to apply to the FSA for a grant to fund the associated costs.

Members were advised that the Council was one of 125 local authorities in England and Wales which had been operating the very successful SOTD scheme since 2008. The scheme had been maintained on a private IT system under the terms of a fee paying contract. However, the FSA had recently launched its own National Food Hygiene Rating Scheme, which it hoped would be up and running in all local authorities in England, Wales and Northern Ireland in time for the 2012 Olympics. In so doing the FSA had bought out the ownership rights for the SOTD software and purchased all local authority contracts from the company, effectively hindering the Council's ability to deliver SOTD after 31st March 2012.

The FSA scheme had made a commitment to support local authorities migrating to their system in several ways including the provision of a free IT platform, a priorities fund to cover the costs of high levels of re-visits and national promotion of the scheme. Members were advised that ring-fenced grant funding to cover the preparatory costs of migration would be available for 2011/2012, and the Council had little option but to migrate to the new system. The Panel was advised that the Government was also keen for a single UK wide food hygiene rating system.

The Panel expressed their reluctance to lose the SOTD scheme which had proved a popular and well used system that had successfully improved hygiene standards within local food businesses. In response to questions from Members the Panel was advised that 60% of local premises would be rated as 5 very good, under the new system and interpreted differently. This represents a significant increase on SOTD which could reduce the incentive for many businesses to improve their hygiene rating. Although concerned at the £14k costs of joining the new system Members were reassured that this amount could be recovered by successful grant funding from the FSA. Having noted that there were also plans to make the new scheme mandatory from 2014, by which time funding would not be available, the Panel

RESOLVED

- (a) that the contents of the report be noted;
- (b) that the Head of Environmental and Community Health Services be authorised to submit an application for grant funding from the FSA with a view to migrating from the current SOTD scheme; and
- (c) that the Head of Environmental and Community Health Services be authorised to migrate from the existing SOTD scheme to the FSA's National Food Hygiene Rating Scheme, subject to confirmation of a successful application for funding.

20. THE ENVIRONMENTAL PROTECTION (CONTROLS ON OZONE-DEPLETING SUBSTANCES) REGULATIONS 2011

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 Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011 on behalf of the Council.

Members were advised that the new Regulations which had come into force on 20 July 2011 had been designed to make it an offence for any person or corporate body to breach the Regulations relating to the production, import, export, placing on the market, recovery, recycling, reclamation, destruction and use of substances that deplete the ozone layer. It was anticipated that the impact of the Regulations would be minor and the Council would regulate premises which were already visited under other existing legislation for the use of ozone-depleting substances, mainly large scale refrigeration plant and air conditioning systems.

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

RESOLVED

- (a) that the contents of the report be noted;
- (b) that the Head 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 Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011; and
- (c) that the Head of Environmental and Community Health Services be authorised to initiate prosecutions under the Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011, after consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel.

21. THE TRADE IN ANIMALS AND RELATED PRODUCTS REGULATIONS 2011

The Panel considered a report by the Head of Environmental and Community Health Services (a copy of which is appended in the Minute Book) informing them of the introduction of regulations giving effect to EU law concerning the importation of animals and animal products from other member states and third countries made under powers of the European Communities Act 1972.

Having been advised that the regulations would consolidate and simplify existing legislation and powers that had been previously authorised to officers, the Panel

RESOLVED

- (a) that the contents of the report be noted;
- (b) that the Head 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 Trade in Animals and Related Products Regulations 2011; and

- (c) that the Head of Environmental and Community Health Services be authorised to initiate prosecutions under the Trade in Animals and Related Products Regulations 2011 after consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel.

22. ADOPTION OF THE DRIVING STANDARDS AGENCY (DSA) DRIVING TEST FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS.

With the aid of a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) the Panel was acquainted with a proposal to replace the Council's in-house driver testing of hackney carriage and private hire drivers, with a nationally recognised test provided by the Driving Standards Agency (DSA).

The Panel was advised that adoption of the proposal would help maintain the high standard of driving relating to hackney carriage and private hire vehicles and provide a consistent approach through one standard, impartial and nationally recognised qualification, supplied by an executive agency of the Department for Transport. It was explained that the test would be introduced for new drivers only although existing drivers could be required to take the test if there were serious concerns over an individual's fitness to hold a licence.

Having been advised that no responses had been received to the consultation exercise that had taken place on the proposal to change the method of testing, the Panel

RESOLVED

- (a) that the existing in-house driver testing arrangements be replaced with a requirement that an appropriate formal driving qualification be undertaken and obtained for all new applicants for hackney carriage and private hire driver's badges, and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems,
- (b) that the appropriate qualification be the DSA driver's assessment for hackney carriages and private hire or future equivalent;
- (c) that the new requirement for testing be brought into effect for new applications from 1st January 2012; and
- (d) that the Head of Legal and Democratic after consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel be authorised to determine whether a test should be undertaken in

circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence and that each case should be considered its individual merits.

23. HACKNEY CARRIAGE FARES

The Panel considered a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) outlining proposals for a revised table of fares for hackney carriages. The report had been deferred from the last meeting of the Panel held on 9th June 2011, following which expert advice had been sought and a further consultation with hackney carriage proprietors had been carried out.

Members were advised that the table of hackney carriage fares had been last reviewed in November 2008 and that a new tariff had been proposed to address concerns raised by a hackney carriage proprietor. The proposed increase of 6.86% to Tariff 1 and 6.12% to Tariff 2 was considered to be reasonable and affordable to the public yet viable for hackney carriage proprietors. Following discussion the Panel

RESOLVED

- (a) that in accordance with the provisions of Section 65 of the Local Government (Miscellaneous Provisions Act 1976, the following revised tariff of hackney carriage fares be approved and advertised to come into effect from 1st December 2011; and
- (b) that the Licensing and Protection Applications Sub-Group be authorised to consider any objections arising from the revised table of fares for hackney carriages and to determine the table of fares accordingly.

Maximum Fares (Inclusive of Value Added Tax)	
TARIFF 1	
If the distance does not exceed 234.6666 yards	£2.70
For each subsequent 234.6666 yards or uncompleted part thereof	£0.20
If the distance does not exceed 1760 yards	£4.10
For each subsequent 234.6666 yards or uncompleted part thereof	£0.20
TARIFF 2	
For hiring's begun between 11.30pm and 7.30am and any hiring's begun on any Bank Holiday and any Sunday:	
If the distance does not exceed 160 yards	£2.70
For each subsequent 176 yards or uncompleted part thereof	£0.20
If the distance does not exceed 1760 yards	£4.70
For each subsequent 176 yards or uncompleted part thereof	£0.20
WAITING TIME (for both Tariffs 1 and 2)	
For each period of 27 seconds or uncompleted part thereof	£0.10
EXTRA CHARGES	
For persons soiling the Hackney Carriage	£50.00

24. LICENSING AND PROTECTION APPLICATIONS SUB-GROUP

The Minutes of the meetings of the Licensing and Protection Applications Sub-Group held on 16th December 2010, 22nd December 2010, 10th February 2011, 29th March 2011, 7th June 2011 and 25th August 2011 were received and noted.

25. TRAINING

Members were advised by the Chairman of the Panel of the decision by the cross party Member Development Group to recommend to Council that training for members of the Licensing and Protection Panel and Licensing Committee be made mandatory. The decision had followed the poor attendance at the annual licensing training session in June 2011 and the Panel were provided with details of a further training session that had been scheduled for 30th November 2011.

The Panel agreed the importance of training for members of the Panel, who when called on to form either a Sub-Committee or an

Applications Sub-Group would be asked to consider individual licence application or reviews which could have a significant impact on those involved.

Chairman