

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in **MEETING ROOMS 0.1A AND 0.1B, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **TUESDAY, 21 JUNE 2016** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

PLEASE NOTE VENUE

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 5 - 10)

To approve as a correct record the Minutes of the Licensing and Protection Panel held on 20th October 2015 and the Licensing and Protection Committee held on 18th May 2016.

**C Bulman
388169**

2. MEMBERS INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda Item.

3. LICENSING AND PROTECTION COMMITTEE

To receive a presentation by the Head of Community Services on the services within the remit of the Committee.

**C Stopford
388280**

4. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2016/17

To consider the 2016/17 Service Plan for Food Law Enforcement – **TO FOLLOW.**

**K Lawson
388291**

5. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2016/17

To consider the Service Plan for Health and Safety Regulation 2016/17 – **TO FOLLOW.**

**K Lawson
388291**

6. SERVICE PLAN FOR FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY MONITORING 2015/16

To consider a monitoring report against approved service plans – **TO FOLLOW.**

**K Lawson
388291**

7. SCHEME OF DELEGATION - DISCUSSION (Pages 11 - 30)

A copy of the powers delegated by or on the recommendation of the Licensing and Protection Panel, as set out in the Council's previous Constitution are attached for the purpose of assisting the discussion on this matter.

**C Stopford
388280**

8. **ENERGY ACT 2013 & HOUSING ACT 2004: THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015**
(Pages 31 - 36)

To consider a report by the Head of Community.

R Hollingsworth
388284

9. **ENTERPRISE AND REGULATION REFORM ACT 2013 - REDRESS SCHEMES FOR LETTING AGENCY WORK AND PROPERTY MANAGEMENT WORK ORDER** (Pages 37 - 40)

To consider a report by the Head of Community.

R Hollingsworth
388284

10. **LICENSING AND PROTECTION APPLICATIONS SUB GROUP**
(Pages 41 - 42)

To receive a summary of the meetings of the Licensing and Protection Applications Sub-Group that have taken place since the last meeting of the Committee.

C Bulman
388169

11. **FEEDBACK FROM ANNUAL LICENSING TRAINING**

An opportunity for Members to provide feedback on the Annual Licensing training held on 7th June 2016.

C Stopford
388280

Dated this 9th day of June 2016



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it -*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

(a) any employment or profession carried out for profit or gain;

(b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);

(c) any current contracts with the Council;

(d) any beneficial interest in land/property within the Council's area;

(e) any licence for a month or longer to occupy land in the Council's area;

(f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or

(g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

Non-Statutory Disclosable Interests

- (4) If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.
- (5) A Member has a non-statutory disclosable interest where -
- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - (b) it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or
 - (c) it relates to or is likely to affect any body –
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Mrs Claire Bulman, Democratic Services, Tel: 01480 388234 / email: Claire.Bulman@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please

contact the Elections & Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION PANEL held in Civic Suite 0.1A , Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Tuesday, 20 October 2015.

PRESENT: Councillor R Fuller – Chairman.

Councillors K M Baker, D Brown,
Mrs S Conboy, J W Davies, R S Farrer,
D J Mead and P D Reeve.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors R Harrison, Ms L Kadic, S M Van De Kerkhove and R J West.

1. MINUTES

The Minutes of the meeting held on 23rd June 2015 were approved as a correct record and signed by the Chairman.

2. MEMBERS INTERESTS

No declarations of interest were received.

3. LICENSING AND PROTECTION APPLICATIONS SUB GROUP

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Panel noted details of the three meetings of the Applications Sub-Group that had taken place between 2nd July to 8th October 2015.

4. SERVICE PLAN FOR FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY MONITORING 2015 -16

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Panel received an update on progress being made against the Council's Food Safety and Health and Safety Service Plans for 2015/16 during the period 1st April to 30th September 2015.

By way of introduction, the Panel were reminded that the Service Plan for Health & Safety Regulation had been approved at their last meeting and the Service Plan for Food Law Enforcement by full Council in July 2015. The Head of Community explained that it was his intention to report on performance against these plans on a quarter by quarter basis and this was the first of such reports for Member's consideration. He then provided a detailed explanation of each section of the report.

The Panel were informed that the Service was behind target with the delivery of the Food Safety Service Plan. This was a direct result of a number of factors including staffing resources, two significant accident investigations, the impact of an unforeseen reactive workload, a higher than expected increase in the number of new food

business and a higher than anticipated level of formal enforcement actions being undertaken.

Having expressed concern that the Service was behind target on the delivery of the Plan, Members' attention was drawn to the number of planned Food Hygiene Inspections which were significantly behind schedule. The Head of Community then outlined the reasons for this, the options which were available to address the situation and the actions which might be taken by the Food Standards Agency if the Authority failed to meet its statutory targets. The Panel were informed that the matter would be discussed further by the Corporate Management Team and that the Executive Member for Strategic Economic Development and Legal was aware of the situation. In recognition of Members concerns and in view of the time until the Panel's next meeting, the Head of Community undertook to update the Chairman and Vice-Chairman on the situation on a regular basis. Members agreed that it would also be useful to circulate further information to the Panel as and when it became available. The Chairman also suggested that further discussion with the Executive Member might also be required.

The Head of Community then responded to a number of questions from Panel Members. Having enquired whether there was any capacity to get the Service Plan back on track now that the workload arising from the fatality had reduced, Members were reminded that there had been no margin within the approved Plan for reactivity and the Service was running on minimum resources. In addition, there would still be further budgetary savings to make within the financial year despite a Zero Based Budget exercise already being undertaken. The Head of Community then went on to outline the options which were available to reduce the gap between actual and planned activity and his preferred approach to addressing the problem.

In response to more specific questions, Members were informed that other authorities within the area were also experiencing resourcing difficulties and had approached the District Council for assistance. Whilst Shared Services was not off the agenda, it was difficult to establish what capacity there was for this purpose. A Member commented on the potential for the Authority to invest to save in this area.

In response to a suggestion that the Authority should work with Further Education providers if there was a wider recruitment issue, Members expressed their support for the use of apprenticeship / work placement training schemes to establish a sustainable workforce.

In reviewing the other specific performance indicators within the Plan, the Panel noted that there had also been an increase in food related service requests and notifications for infectious disease control. Members were pleased to note that the number of Food Hygiene revisits and the number of alternative enforcement interventions remained on target and that the number of required inspections of temporary food businesses had not been as high as originally foreseen. It was expected that activity within the Primary Authority Partnership with the Cambridgeshire School Service would increase in the next quarter.

In terms of the Health and Safety Service Plan for 2015/16, Members noted that the number of Health and Safety Premises Inspections were significantly less than planned. However the Head of Community explained that whilst this was behind target, most of the preparatory work in connection with targeted health and safety interventions had been completed and he was confident that the Authority would be back on target by the end of the year. It was also expected that there may be a revision in statutory guidance which might reduce the number of inspections required.

Having invited comments on the format and content of future reports, the Panel agreed that it was useful to receive all the statistics which had been provided. More specifically, it was suggested that it would be useful to identify the type of businesses which were opening or closing within the District and provide further clarification as to those targets which were based upon statutory guidelines and the risk categories.

In concluding the discussion on this item, Members thanked the Head of Community for the preparation of a monitoring report to enable the Panel to monitor the delivery of the Service Plans throughout the year.

(During the discussion on this item, Councillor D Brown took his seat at the meeting at 14.11pm. Councillor D Mead took his seat at 14.21pm and Councillor K Baker at 14.30pm).

Chairman

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 18 May 2016.

PRESENT: Councillors Mrs B E Boddington, Mrs S Conboy, J E Corley, S J Criswell, Mrs S A Giles, D J Mead, Mrs J Tavener, D R Underwood, D Watt and R J West.

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

1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor R Fuller be elected Chairman of the Committee for the ensuing Municipal Year.

2. MEMBERS INTERESTS

No declarations were received.

3. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor J W Davies be appointed Vice-Chairman for the ensuing Municipal Year.

4. ANNUAL TRAINING

Members noted that the annual training for Committee Members would be held on Tuesday 7 June 2016 at 9.30am in the Civic Suite, Pathfinder House and all Members were required to attend.

Chairman

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POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING AND PROTECTION PANEL

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976	To determine transfers of hackney carriage plates	Head of Community	24.01.78	
Local Government (Miscellaneous Provisions) Act 1976	To determine applications for private hire vehicle licences, private hire and hackney carriage driver's licences and to refuse, suspend or revoke certain licences	Head of Community	23.01.79	Refusal, suspension and revocation provisions to be exercised in consultation with the Chairman and Vice-Chairman of the Panel
⇒ Local Government (Miscellaneous Provisions) Act 1976	To review the penalty points system for private hire operators, proprietors and drivers in light of changes to legislation	Licensing Manager	09.06.11	
Local Government (Miscellaneous Provisions) Act 1976	To determine the scale of fees for advertising on digital display screens (fitted to the front headrests of hackney carriage and private hire vehicles)	Licensing Manager	09.06.11	After consultation with the Chairman and Vice-Chairman of the Panel
Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended)	To determine permits for street collections and charity stalls	Head of Community	04.10.83	After consultation with Cambridgeshire Constabulary where appropriate
Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended)	To determine applications for house to house collections within the District	Head of Community	17.01.84	After consultation with Cambridgeshire Constabulary where appropriate

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976 (Part II)	To make the necessary arrangements for the inspection and testing of Hackney Carriage and Private Hire vehicles	Head of Community	15.01.85	
Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)	To determine applications for the grant, renewal, variation or transfer of licences for sex shops, sex cinemas and sexual entertainment venues	Head of Community	24.06.14	In the event of objectors being received, the Applications Sub-Group of the Panel be authorised to determine the application
Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)	To grant licences for street trading	Head of Community	11.03.85	
Local Government (Miscellaneous Provisions) Act 1982	To instigate proceedings in the Magistrates' Court in respect of street trading	Head of Community	11.03.85	

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1982	To determine applications for street trading licences and to revoke licences	Head of Community	02.12.09	Where the Legal Services Manager is minded to refuse an application for a licence or to revoke an existing licence and the application or licence holder, as appropriate, indicates that he wishes to submit representations, the Applications Sub Group be authorised to determine the application or revoke the licence respectively after hearing the representations submitted.
	To instigate proceedings through the courts for contravention of the street trading legislation contained in the Act	Head of Community	02.12.09	After consideration with the Chairman or Vice-Chairman of the Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976	To instigate proceedings for contravention of any legislation relating to the licensing functions falling within the purview of the Licensing and Protection Panel	Head of Community	Licensing Panel 13.12.93	After consultation with the Chairman of the Panel
Prevention of Damage by Pests Act 1949 Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963 Scrap Metal Dealers' Act 1964 Refuse Disposal (Amenity) Act 1978	To enter on to land or premises for the purposes of inspection etc	Head of Community, Environmental Health Officers, Enforcement Officers	29.01.74	
Prevention of Damage by Pests Act 1949	To enter on to land or premises for the purposes of the Act	Pest Control Officers and Environmental Health Officers	29.01.74	
Game Act 1831 Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963 Riding Establishments Act 1964	Licensing of animal boarding establishments, riding establishments, caravan sites, game dealers, persons keeping pet animals	Head of Community	29.01.74	
Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963	To authorise prosecutions for alleged contraventions under this legislation	Head of Community	07.01.75 (as amended 16.01.79)	After consultation with the Chairman and Vice-Chairman of the Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Riding Establishments Act 1964	To authorise prosecutions for alleged contraventions under this legislation	Head of Community	07.01.75	After consultation with Chairman and Vice-Chairman of the Panel
Public Health Act 1936	To deal with licensing of movable dwellings and camping sites	Head of Community	17.06.75	
Dangerous Wild Animals Act 1976	The Powers of the Council under the Act including licensing of individuals to keep specific animals	Head of Community	18.01.77	
Highways Act 1980 (S.179)	To issue consent or to serve such notices as may be considered appropriate in relation to construction under streets in accordance with S.179 of the Act	Head of Operations	12.10.82	After consultation with the Chairman of the Panel.
Local Government (Miscellaneous Provisions) Act 1982 Part VIII	To undertake all necessary action arising from the adoption of this legislation with regard to the registration of tattooists	Head of Community	04.06.85	
Local Government (Miscellaneous Provisions) Act 1982 Part VIII	To undertake all necessary action arising from the adoption of the legislation in relation to acupuncture, ear-piercing and electrolysis	Head of Community	11.03.86	

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Food Safety Act 1990	(a) To institute legal proceedings for contraventions of the Act and any re-enactment, amendment or modification thereof or any regulations made thereunder	Head of Community	18.09.90	After consultation with the Chairman and Vice-Chairman of the Panel
	(b) To authorise, in writing, Environmental Health Officers and any other persons he/she may determine to act as authorised officers either generally or specifically in matters arising under the Act	Head of Community		
Environmental Protection Act 1990	To undertake duties, serve Notices and institute legal proceedings for non-compliance with Statutory Notices under Part III of the Act	Head of Community, Environmental Health Officers	15.01.91	
Zoo Licensing Act 1981	To appoint Inspectors and to act for and on behalf of the Council in all matters arising from the Act except in those cases where objections to the grant or renewal of a licence are received or consideration is being given to the revocation of a licence	Head of Community	04.06.91	
Zoo Licensing Act 1981	To act for the Council in cases involving an objection to the grant or renewal of a licence	Head of Community	04.06.91	After consultation with the Chairman and Vice-Chairman of the Panel
Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To undertake prosecutions for contravention	Head of Community	17.09.91	After consultation with the Chairman and Vice-Chairman of the Panel
Slaughter of Poultry Act 1967 (as amended by	To appoint suitably qualified persons to act as Welfare Supervisory Officers	Head of Community	03.12.91	

Animal Welfare Act 1984)

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To grant, renew, modify, refuse, suspend or revoke a licence for the slaughter of poultry	Head of Community	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To institute legal proceedings for alleged contraventions	Head of Community	03.12.91	After consultation with the Chairman and Vice-Chairman of the Panel
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To determine applications in respect of loud-speakers in streets between 9 pm and 8 am	Head of Community	01.03.94	After consultation with the Chairman and Vice-Chairman of the Panel
17 Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To appoint contractors to act as agents for the Council in towing away vehicles and equipment causing a nuisance and impounding them until reclaimed	Head of Community	01.03.94	
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To sign noise abatement notices on behalf of the Council	All officers authorised under the Environmental Protection Act 1990 to take action in respect of statutory nuisances	01.03.94	
Animal Boarding Establishments Act 1963	To adopt the new model licence conditions compiled by the British Veterinary Association and RSPCA and published by the Institute of Environmental Health Officers as the conditions to be attached to licences granted for cat and dog breeding establishments in the District	Head of Community	19.09.95	

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Animal Boarding Establishments Act 1963	To exercise discretion in enforcing compliance with the new model licence conditions to enable dog and cat boarding establishment owners a reasonable time to comply with the new requirements	Head of Community	19.09.95	
Environmental Protection Act 1990	To appoint authorised persons under the Act	Head of Community	17.09.96	
Environment Act 1995	To institute legal proceedings for offences under the Act	Head of Community	17.09.96	After consultation with the Chairman and Vice-Chairman of the Panel
Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To appoint, in writing, an Environmental Health Officer and any other person as he may determine to act as authorised Officers either generally or specifically in matters arising under the Regulations	Head of Community	17.09.91	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To exercise the powers of entry, inspection and investigation and to serve notices	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To exercise powers and duties under the Act	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A)	To maintain a public register of the Council's regulatory activity	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To institute legal proceedings under the Acts	Head of Community	20.09.00	After consultation with the Chairman and Vice-Chairman of the Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To carry out urgent remedial action under the Acts where there is an imminent danger of serious harm in that circumstances exist which are likely to endanger life or harm or cause pollution of controlled waters	Head of Community	20.09.00	After consultation with the Chairman and Vice-Chairman of the Panel
Pollution Prevention and Control Act 1999	To carry out the following functions under the Act - (i) the determination of applications for the grant, variation and transfer of permits and accompanying conditions; (ii) the collection of fees as determined by the DETR; (iii) the suspension and revocation of permits and service of notices; and (iv) the variation and enforcement of permit conditions, taking of samples and the taking of remedial action at the expense of the permit holder	Head of Community	20.09.00	
Pollution Prevention and Control Act 1999	To appoint suitably qualified persons to exercise the powers and duties conferred by the Act	Head of Community	20.09.00	
Environment Act 1995	To exercise powers of entry under Section 108(4) of the Act	Appointed Officers	20.09.00	
Pollution, Prevention and Control Act 1999	To institute legal proceedings under the Act and Regulations	Head of Community	20.09.00	After consultation with the Chairman and Vice-Chairman of the Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products of Animal Origin (Import and Export) (Amendment) Regulations 2001	To appoint suitably qualified Officers to carry out the duties specified under the legislation	Head of Community	20.03.02	
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products of Animal Origin (Import and Export) (Amendment) Regulations 2001	To institute legal proceedings for contravention of the Regulations	Head of Community		After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Panel
Meat (Enhanced Enforcement Powers) Regulations 2000	To appoint suitably qualified Officers to carry out the duties specified under the Regulations	Head of Community	20.03.02	
Deer Act 1991	To appoint suitably qualified Officers to undertake the duties specified under the legislation	Head of Community	20.03.02	
Deer Act 1991	To institute legal proceedings for contravention of the Regulations	Head of Community		After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To appoint suitably qualified Officers as Inspectors to carry out the duties specified under Section 19 of the Act	Head of Community	20.03.02	
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To exercise discretion as to the extent of the powers granted to individual inspectors under Section 20 in accordance with the statutory guidance issued by the Health and Safety Commission	Head of Community		
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To authorise other persons to accompany duly authorised Officers appointed under Section 19 and Section 20 (2)(c)(1) of the Act, where necessary, on inspections for the purposes of the Act	Officers appointed under Section 19 of the Health and Safety at Work (etc) Act 1974		
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Magistrates Court under any of the relevant statutory provisions defined in the Act	Inspectors appointed under Section 19 of the Health and Safety at Work (etc) Act 1974 following the approval of the Head of Community or the Corporate Director, (Delivery)		After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Panel
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Crown Court for contraventions of the Health and Safety at Work (etc) Act 1974 and any re-enactment, amendment or modification thereof and any Regulations made thereunder	Head of Community		After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Regulation of Investigatory Powers Act 2000 (RIPA)	To designate appropriate Officers to discharge the powers and duties of the Council as set out in the Act and any Codes of Practice and Regulations made thereunder	Corporate Director (Delivery) or, his absence, the Legal Services Manager	17.09.02	
Transmissible Spongiform Encephalopathies (England) Regulations 2002	To designate appropriate Officers to discharge the duties and powers of the Council as set out in the Regulations	Head of Community	24.06.03	
Pollution and Prevention Control (England and Wales) Regulations 2000	To respond to statutory consultation under the Regulations	Head of Community	01.08.03	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel
European Communities Act 1972	To appoint suitably qualified Officers to carry out the duties conferred upon the Council in the Act and Regulations	Head of Community	15.10.03	
European Communities Act 1972	To institute legal proceedings for offences arising from the Act and Regulation	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Panel
Products of Animal Origin (Third Country Imports) (England) Regulations 2011	To appoint appropriate Officers to discharge the powers and duties under the Regulations	Head of Community	15.10.03	

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Products of Animal Origin (Third Country Imports) (England) Regulations 2011	To institute legal proceedings under the Regulations	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Panel
The Imported Food Regulations 1997	To appoint appropriate Officers to carry out duties and powers under the Regulations	Head of Community	15.10.03	
The Imported Food Regulations 1997	To institute legal proceedings under the Regulations	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Panel
The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To appoint appropriate Officers to carry out the duties and other matters conferred upon the Council by the Regulations	Head of Community	17.02.04	

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To institute legal proceedings under the Regulations and any further amendments thereto	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Panel
The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To appoint Officers to investigate complaints of night time noise and to issue warnings or fixed penalty notices	Head of Community	12.05.04	
The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To institute legal proceedings under the Act for failure to comply	Head of Community	12.05.04	After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Panel
Health Act 2006	To appoint suitably qualified, experienced and trained Officers to carry out the duties and other matters arising under Part 1 of the Health Act 2006 and associated Regulations	Head of Community	13.06.07	
Health Act 2006	To institute legal proceedings under the Act and associated Regulations	Head of Community	13.06.07	After consultation with the Chairman (or in his absence, the Vice-Chairman) of the Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Breeding of Dogs Act 1973 and 1991	To appoint persons and to act for and on behalf of the Council in all matters arising from the Acts in circumstances where consideration is being given to the revocation of a licence	Head of Community	19.01.06	
Breeding of Dogs Act 1973 and 1991	To act for the Council in cases involving revocation of a licence	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Panel
Breeding of Dogs Act 1973 and 1991	To authorise prosecutions for alleged contraventions under the Act	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Panel
Breeding and Sale of Dogs (Welfare) Act 1999	To appoint persons and to act for and behalf of the Council in all matters arising from the Act	Head of Community	19.01.06	
Breeding and Sale of Dogs (Welfare) Act 1999	To authorise prosecutions for alleged contraventions under the Act	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Panel
Food Hygiene (England) Regulations 2006	To appoint suitably qualified officers	Head of Community	19.01.06	
Food Hygiene (England) Regulations 2006	To institute legal proceedings for contravention of the Regulations	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Official Food and Feeds Controls (England) Regulations 2006	To appoint suitably qualified, experienced and trained officers to carry out duties under the Regulations	Head of Community	19.01.06	
Official Food and Feeds Controls (England) Regulations 2006	To institute legal proceedings under the Regulations	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Panel
Environmental Damage (Prevention and Remediation) Regulations 2009	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Regulations	Head of Community	19.03.09	
Environmental Damage (Prevention and Remediation) Regulations 2009	To initiate prosecutions under the Environmental Damage (Prevention and Remediation) Regulations 2009	Head of Community	19.03.09	After consultation with the Chairman of the Licensing and Protection Panel (or in his absence, the Vice-Chairman)
Ozone Depleting Substances (Qualifications) 2009	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Ozone Depleting Substances (Qualifications) Regulations 2009	Head of Community	27.10.09	
Ozone Depleting Substances (Qualifications) 2009	To initiate prosecutions under the Ozone Depleting Substances (Qualifications) Regulations 2009	Head of Community	27.10.09	With prior agreement of the Chairman or Vice-Chairman of the Licensing and Protection Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Fluorinated Greenhouse Gases Regulations 2009	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Fluorinated Greenhouse Gases Regulations 2009	Head of Community	27.10.09	
Fluorinated Greenhouse Gases Regulations 2009	To initiate prosecutions under the Fluorinated Greenhouse Gases Regulations 2009	Head of Community	27.10.09	With prior agreement of the Chairman or Vice-Chairman of the Licensing and Protection Panel
Regulatory Enforcement Sanctions Act 2008	To review the Food Safety Enforcement Policy and Health and Safety Enforcement Policy as appropriate	Head of Community	27.10.09	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Panel
Regulatory Enforcement Sanctions Act 2008	To review enforcement policies with regard to the Act and to introduce necessary changes to policies as appropriate	Relevant Heads of Service	27.10.10	After consultation with the relevant Executive Councillor
Health and Social Care Act 2008	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Regulations and to make applications to the Magistrates Court as appropriate	Head of Community	16.06.10	
Health and Social Care Act 2008	To initiate prosecutions for offences under the Regulations	Head of Community	16.06.10	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Private Water Supply Regulations 2009	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Act	Head of Community	16.06.10	
Private Water Supply Regulations 2009	To initiate prosecutions under the Act	Head of Community	16.06.10	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Panel
Sunbeds (Regulations) Act 2010	To appoint Environmental Health Officers and Environmental Health Protection Officers as 'authorised persons' to enforce the provisions of the Act	Corporate Director (Delivery)	09.06.11	
28 Sunbeds (Regulations) Act 2010	To initiate prosecutions under the Act	Head of Community	09.06.11	After consultation with the Chairman of the Panel
Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2011	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	Head of Community	26.10.11	
Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2011	To initiate prosecutions under the Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2011	Head of Community		After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847	To determine whether a DSA driver's assessment for private hire or hackney carriage or future equivalent test should be undertaken in circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence with each case considered on its merits	Head of Community	26.10.11	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel
Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To appoint Environmental Health Officers and Environmental Health Protection Officers as authorised persons to enforce the provisions of the Regulations 2006	Head of Community	25.01.12	
Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To initiate prosecutions under the Regulations	Head of Community	25.01.12	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel
Local Government Act 1972	To convene meetings of the Applications Sub-Group comprising four Members of the Panel to determine such matters in the case of an individual licence or application which have not been delegated to Officers	Elections and Democratic Services Manager	13.06.07	

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Food Safety and Hygiene (England) Regulations 2013	To appoint suitably qualified and competent persons to act as authorised persons to enforce the provisions of the Regulations	Head of Community	28.01.14	
Food Safety and Hygiene (England) Regulations 2013	To initiate prosecutions under the Regulations	Head of Community		After consultation with the Chairman and Vice-Chairman of the Panel
Mobile Homes Act 2013	To appoint suitably qualified and competent persons to act as authorised persons to determine and issue licences and enforce the provisions of the Act	Head of Community	28.01.14	
Mobile Homes Act 2013	To initiate prosecutions under the Act	Head of Community	28.01.14	After consultation with the Chairman and Vice-Chairman of the Panel
Mobile Homes Act 2013	To publish a fees policy, determine fees and undertake an annual review	Head of Community	28.01.14	After consultation with the Chairman and Vice-Chairman of the Panel
Anti-Social Behaviour Crime and Policing Act 2014	To create and maintain policies and procedures arising from the Public Space Protection Orders under the 2014 Act	Head of Community	6.11.14	After consultation with the Executive Councillor for Strategic Economic Development and Legal.
Food Information Regulations 2014	To create and maintain policies and procedures under the Regulations.	Head of Community	6.11.14	After consultation with the Executive Councillor for Strategic Economic Development and Legal.
Food Information Regulations 2014	For the purposes of enforcement of the Food Information Regulations 2014, to appoint such other officers as considered appropriate to initiate legal proceedings for offences under the Regulations.	Head of Community	6.11.14	After consultation with the Legal Services Manager.

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Energy Act 2013 & Housing Act 2004 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
Meeting/Date:	Licensing and Protection Committee – 21 June 2016
Executive Portfolio:	Councillor Steve Criswell – Executive Councillor for Community Resilience
Report by:	Chris Stopford - Head of Community
Ward(s) affected:	All

Executive Summary:

The Smoke and Carbon Monoxide Alarms (England) Regulations 2015 require working smoke alarms and carbon monoxide alarms, where a solid fuel appliance is fitted, to be provided to the majority of the private rented sector. Landlords are obliged to comply with the Regulations and local housing authorities, defined within the Housing Act 2004 to include the District Council, have certain duties and powers in relation to the enforcement of the Regulations.

Recommendation(s):

1. That the necessary amendments are made to the Council's Scheme of Delegation, such that the Head of Community be authorised to appoint suitably qualified officers to enforce the provisions specified in the Regulations.
2. That the Head of Community be authorised to publish, and review as necessary in consultation with the relevant Executive Councillor, a statement of principles governing the application of a penalty charge to remedy matters of non-compliance with the terms of a remedial notice.

1. PURPOSE OF THE REPORT

- 1.1 To seek authority to incorporate the powers and duties conferred on local housing authorities, defined in the Housing Act 2004 to include the District Council, by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 into the Council's Scheme of Delegation.

2. BACKGROUND

- 2.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 require most private sector landlords to fit a smoke alarm on each storey of the premises, where a room is used wholly or partially as living accommodation and to fit a carbon monoxide alarm in any room containing a solid fuel appliance. Landlords are also required to check that all alarms are working at the start of any new tenancy.
- 2.2 The Regulations place a duty on local housing authorities to serve a remedial notice, requiring the provision of such alarms, where it has reasonable grounds to believe that a landlord is in breach of one or more of the duties specified.
- 2.3 Landlords are duty bound to comply with the content of a remedial notice and if the necessary alarms are not provided within 28 days, the local housing authority must take remedial action to ensure that the necessary alarms are provided to the property in question.
- 2.4 Local housing authorities are empowered to levy a penalty charge on any landlord whom has failed in the duty to comply with the terms of a remedial notice. The amount of penalty charge must not exceed £5000 and any authority making such a charge must publish a statement of principles.
- 2.5 Any landlord on whom a remedial notice is served is entitled to make written representations against the notice. Landlords served with a penalty charge have a similar right to make representations that the authority must consider. A landlord has a subsequent right of appeal to the First-tier Tribunal.

3. OPTIONS CONSIDERED

- 3.1 Local housing authorities are duty bound to enforce the Regulations and thus non-adherence to the duties specified may result in the Council breaching its statutory duty.

4. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES.

- 4.1 Enforcement of the Regulations is consistent with the enabling communities corporate objective.

5. RESOURCE IMPLICATIONS

- 5.1 There are no additional resource implications associated with the enforcement of the Regulations. Any works in default undertaken in relation to non-compliance with the terms of a remedial notice will be met from within existing budgets and recovered under normal debt recovery procedures.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The Smoke and Carbon Monoxide Alarms (England) Regulations 2015 place a duty on landlords to provide the necessary alarms to the majority of private rented dwellings. The Regulations also empower and place certain duties on local housing authorities. To comply with those duties it is recommended that:

1. That the necessary amendments are made to the Council's Scheme of Delegation, such that the Head of Community be authorised to appoint suitably qualified officers to enforce the provisions specified in the Regulations.
2. The Head of Community be authorised to publish, and review as necessary in consultation with the relevant Executive Councillor, a statement of principles governing the application of a penalty charge to remedy matters of non-compliance with the terms of a remedial notice.

7. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Smoke and Carbon Monoxide Alarms (England) Regulations 2015 – Statement of Principles.

BACKGROUND PAPERS

[The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)

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Huntingdonshire District Council

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduces a requirement for all landlords during any period beginning on or after 1st October 2015 when the premises are occupied under the specified tenancy, to ensure that:

- 1) a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
- 2) a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- 3) checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the specified tenancy begins if it is a new tenancy.

Enforcement

Where the local housing authority becomes aware that:

- there are an insufficient number of smoke alarms or carbon monoxide detectors in the property or;
- the smoke alarms or carbon monoxide detectors were not working at the start of specified tenancy.

Then the local housing authority must within 21 days serve on the landlord in a method prescribed by the Regulations a remedial notice detailing the actions the landlord must take to comply with the Regulations. Any landlord served with a remedial notice is entitled to make written representations against the notice within 28 days of service. Such representations should be made to the Head of Community, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN.

If after 28 days the landlord has not complied with the remedial notice a penalty charge shall be levied.

Level of Penalty Charge

Huntingdonshire District Council considers that a lesser penalty should apply on the occasion of a first offence. Where, in recognition of an early admission of liability, a fixed penalty charge is paid promptly a 50 % reduction in the charge payable will apply

In determining the level of the fixed penalty charge the Council has given due consideration to the following factors:

- proportionality of the offence in relation to the nature and extent of potential harm;
- the intention to eliminate financial gain or benefit from non-compliance with the Regulations;
- the aim to deter future non-compliance;
- the extent to which the penalty levied will change behaviour;
- the costs incurred by the Council resolving the non-compliance.

The Council considers that repeated offences should attract a considerably higher penalty in view of continuing disregard for legal requirements and tenant safety and will levy the maximum permitted charge in relation to repeat offences.

Therefore, the Council intends to levy a penalty charge of £1000 in relation to any first offence under the Regulations. A penalty charge of £5000 shall be levied in relation to any subsequent offence. The above charges shall be reduced by 50% where payment is received within 14 days of issue of the penalty charge notice.

Appeals in relation to a penalty charge notice

A landlord served with a penalty charge notice can request in writing, within 28 days of issue of a notice, that the local housing authority review the penalty charge notice. Any such appeal should be made to the Head of Community, Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN.

On consideration of any representation or evidence, the penalty charge notice can be confirmed, varied or withdrawn. A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First-tier Tribunal against the local housing authority's decision.

Recovery of Penalty Charge

The local housing authority may recover the penalty charge as laid out in the regulations. Due to costs incurred by the Council, any penalty charge notice shall be pursued for payment.

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Enterprise and Regulatory Reform Act 2013 Redress Schemes for Letting Agency Work and Property Management Work (Requirements to Belong to a Scheme) (England) Order 2014.
Meeting/Date:	Licensing and Protection Committee – 21 June 2016
Executive Portfolio:	Councillor Steve Criswell – Executive Councillor for Community Resilience.
Report by:	Chris Stopford - Head of Community
Ward(s) affected:	All

Executive Summary:

The Redress Schemes for Letting Agency Work and Property Management Work (Requirements to Belong to a Scheme)(England) Order 2014 places a duty on those involved in such business to be a member of an approved scheme. Redress schemes provide an independent service for resolving disputes between letting agents, property managers and their customers. District Council's have enforcement responsibilities under the Order and can levy a monetary penalty of up to £5000 on any letting agent or property manager who is found to be in breach of the requirement.

Recommendation:

1. That the necessary amendments are made to the Council's Scheme of Delegation, such that the Head of Community be authorised to appoint suitably qualified officers to enforce the provisions specified in the Order.
2. That the Head of Community be authorised, in consultation with the relevant Executive Councillor, the value of the penalty charge for failure of businesses to be a member of an approved scheme.

1. PURPOSE OF THE REPORT

- 1.1 To seek authority to incorporate the powers and duties conferred on District Council's by the Redress Schemes for Letting Agency Work and Property Management Work (Requirements to Belong to a Scheme)(England) Order 2014 into the Council's Scheme of Delegation

2. BACKGROUND

- 2.1 The Redress Schemes for Letting Agency Work and Property Management Work (Requirements to belong to a Scheme etc.)(England) Order 2014 made under the Enterprise and Regulatory Reform Act 2013 requires letting agents and property managers to belong to a Government approved redress scheme.

- 2.2 Letting agency work is defined in the Act as things done by an agent, in the course of business, in response to instructions from:

- A private rented sector landlord who wants to find a tenant; or,
- A tenant who wants to find a property in the private rented sector.

- 2.3 Property management work means things done by a person in the course of a business in response to another person who wants to arrange services, repairs, maintenance, improvement, or insurance or to deal with any other aspect of the management of residential premises.

- 2.4 The redress schemes currently approved by the Government are:

- Ombudsman Services Property (www.ombudsman-services.org/property.html).
- Property Redress Scheme (www.theprs.co.uk)
- The Property Ombudsman (www.tpos.co.uk)

- 2.5 District councils are enforcing authorities for the purpose of the Order and are duty bound to enforce the relevant provisions. The penalty for breaching the requirement to belong to a redress scheme is a monetary penalty which the enforcing authority may impose by way of notice.

- 2.6 The maximum penalty an enforcing authority can impose is a monetary penalty of £5000. The expectation is that £5000 should be the norm and that a lower penalty should only be charged if the enforcing authority is satisfied that there are extenuating circumstances. It is up to each authority to determine what constitutes extenuating circumstances, but lack of awareness in the early days of the requirement and the turnover and scale of the business may be relevant considerations. It is open to the authority to give letting agents or property managers a grace period in which to join a redress scheme.

- 2.7 The procedure for issuing a penalty charge is prescribed; the enforcing authority must issue a notice of intent within 6 months of the date that the authority is in a position to issue a penalty charge. Any person served with a notice of intent has 28 days in which to make representations to the enforcing authority. Following the end of the 28 day period and having considered any representations, the enforcing authority may confirm, withdraw or vary the penalty charge levied. Any final notice for payment must give the recipient at least 28 days for the payment to be made. The recipient of a final notice has a right of appeal to the First-tier Tribunal. Enforcing authorities may recover the monetary penalty by order of a court.

3. OPTIONS CONSIDERED

- 3.1 Local housing authorities are duty bound to enforce the Order and thus non-adherence to the duties specified may result in the Council breaching its statutory duty.

4. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

- 4.1 Enforcement of the Regulations is consistent with the enabling communities corporate objective.

5. RESOURCE IMPLICATIONS

- 5.1 There are no additional resource implications associated with the enforcement of the Order. Enforcement of the provisions specified will be met from existing budgets.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The Redress Schemes for Letting Agency Work and Property Management Work (Requirements to Belong to a Scheme) (England) Order 2014, places a duty on commercial letting agents and property managers to be a member of a redress scheme. Local housing authorities are duty bound to enforce the provisions and can levy a monetary penalty of up to £5000 to remedy any breach of the Order. It is therefore recommended that:

- That the necessary amendments are made to the Council's Scheme of Delegation, such that the Head of Community be authorised to appoint suitably qualified officers to enforce the provisions specified in the Order.
- That the Head of Community be authorised, in consultation with the relevant Executive Councillor, the value of the penalty charge for failure of businesses to be a member of an approved scheme.

BACKGROUND PAPERS

[The Redress Schemes for Lettings Agency Work and Property Management Work \(Requirement to Belong to a Scheme etc\) \(England\) Order 2014](#)

[Department for Communities and Local Government Guidance](#)

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Agenda Item 10

Public
Key Decision – No

Subject Matter: LICENSING AND PROTECTION APPLICATIONS SUB-GROUP

Meeting/Date: Licensing and Protection Committee – 21 June 2016

Executive Portfolio: Councillor S Criswell – Executive Councillor for Community Resilience

Report by: Elections and Democratic Services Manager

1. INTRODUCTION

- 1.1 The Applications Sub-Group comprising four Members of the Licensing and Protection Committee is convened when necessary to determine such matters in the case of an individual licence or application which has not been delegated to officers. Below is a summary of the meetings that have taken place since the last meeting of the Committee. Full Minutes are available on request.

Meeting Date	Chairman	Application	Determination
17 November 2015	R Fuller	Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence	Written Warning. Licence Revoked. Deferred to permit a further opportunity for the licence holder to attend. Licence Revoked.
24 November 2015	R Fuller	Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence	Licence Revoked. Licence Revoked. Licence Revoked.
14 December 2015	R Fuller	Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence New application for a Hackney Carriage and Private Hire Drivers Licence	Deferred to permit licence holder to obtain legal advice. Written Warning. Application refused.
5 January 2016	R Fuller	Review of an existing Hackney Carriage and Private Hire Drivers Licence	Licence Revoked.

2 February 2016	R Fuller	New application for a Hackney Carriage and Private Hire Drivers Licence New application for a Hackney Carriage and Private Hire Drivers Licence New application for a Hackney Carriage and Private Hire Drivers Licence	Application Refused. Application Refused. Application allowed to proceed,
1 March 2016	R Fuller	Existing Operators Licence	Deferred to permit a further opportunity for the licence holder to attend.
15 March 2016	R Fuller	Existing Operators Licence New application for a Hackney Carriage and Private Hire Drivers Licence. Review of an existing Hackney Carriage and Private Hire Drivers Licence	Written Warning. Application Refused. Deferred to permit a further opportunity for the licence holder to attend.
22 March 2016	R Fuller	New application for a Hackney Carriage and Private Hire Drivers Licence. New application for a Hackney Carriage and Private Hire Drivers Licence. New application for a Hackney Carriage and Private Hire Drivers Licence. Review of an existing Hackney Carriage and Private Hire Drivers Licence	Application allowed to proceed, Application allowed to proceed, Deferred to permit a further opportunity for the licence holder to attend. Licence Revoked.
26 April 2016	R Fuller	New application for a Hackney Carriage and Private Hire Drivers Licence. Review of an existing Hackney Carriage and Private Hire Drivers Licence. Review of an existing Hackney Carriage and Private Hire Drivers Licence	Application Refused. Written Warning. No further action.

2. RECOMMENDATION

- 2.1 The Committee are invited to note the above information.

BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Applications Sub-Group.

Contact Officer: Mrs C Bulman, Democratic Services - ☎ 01480 388234.