

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Tuesday, 19 July 2016.

PRESENT: Councillor R Fuller – Chairman.

Councillors Mrs S Conboy, J E Corley,
J W Davies, Mrs S A Giles, D J Mead,
Mrs J Tavener, D R Underwood and
R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs B E Boddington, S J Criswell and D Watt.

16. MINUTES

Subject to the deletion of “the appeal mechanism” in the last sentence of the penultimate paragraph of Minute No. 7 and its replacement with “an appeal to the Magistrates Court” and the deletion of the words “to enable the District Council” which had been duplicated within the second paragraph of item number 13, the Minutes of the meeting of the Licensing and Protection Committee held on 21st June 2016 were approved as a correct record and signed by the Chairman.

17. MEMBERS INTERESTS

No declarations were received.

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

Pursuant to Minute No. 16/9, the Committee considered a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) to which was attached a draft Service Plan for Health and Safety Regulation for 2016/17. Members were reminded that consideration of the Plan had been deferred from the Committee's last meeting to enable Officers to address Member's concerns regarding the activities of the Commercial Team, given the estimated reduction in the number of inspections and interventions for 2016/17.

By way of introduction, the Commercial Team Leader explained that the Service Plan had been updated since the Panel's last meeting to include a Plan of Work for 2016/17. Specific details of which were set out in Section 5.4 of the Plan. Members were advised that this work would be guided by the content of Local Authority Circular 67/2 (rev5), the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy. It would also align with the priorities identified within the Council's Corporate Plan.

In welcoming the improvements that had been made since the last meeting, the Committee agreed that the Service Plan for future years should include more specific details within Section 5.4 of the activities

that the authority would be undertaking during the course of that year. Having noted that some of the work would have commenced by the date of the Committee's next meeting in November, it was agreed that further details would be presented to the Committee at this time.

With reference to the preparation of future Service Plans, the Committee suggested that discussions should start at an earlier stage for the 2017/18 year. Members also commented on the references within the Plan to the impact of large-scale events such as the Secret Garden Party and suggested that it would be useful to quantify the significant staff resources that were required during the planning and operational phases within the Plan for future years.

In response to a specific question as to the resource implications and benefits of signing up to the Enforcement Concordat, the Committee were advised that the Concordat was essentially a good practice guide and should the Council not observe its principles, it would be difficult to defend the Council's actions within a Court of law or tribunal situation.

With regards to the resources available to support the delivery of the Plan, Members questioned whether the staffing levels within the Commercial Team were sufficiently robust to cover any unforeseen or unexpected eventualities. Officers explained that the draft Plan had been adjusted to reflect the resources that were currently available and should any unforeseen incident occur, approval could be sought to bring in temporary resources to the team. In terms of the ongoing vacancy within the Commercial Team, Members were advised that a re-structure of the Community Division was currently being undertaken, which should enable a decision to be taken with regard to this post in the early Autumn.

Members also emphasised a role for the Executive Member to ensure that resources were allocated effectively and operating efficiently within the Service. In response to which, the Chairman explained that he and the Vice-Chairman would be meeting with the Executive Councillor for Community Resilience shortly and could pose these questions to him at that time.

To enable the Committee to obtain a better understanding of the workload and activities undertaken by the Commercial Team, the Commercial Team Leader extended an invitation to all Committee Members to join the Team on any routine visits to business premises. Those who were interested in doing so were asked to contact the Commercial Team Leader directly.

Whereupon and on the understanding that further information would be presented to their next meeting on the Plan of Work for 2016/17, it was

RESOLVED

that the Service Plan for Health and Safety Regulation for 2016-17 as appended to the report now submitted be approved.

(At 14.05pm, Councillors J E Corley and Mrs J Tavener took their seats at the meeting during the discussion on this item).

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

With the assistance of a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) the Committee received a performance update on progress made against the Council's Food Safety and Health and Safety Service Plans during the period 1st April to 31st March 2016. Members were reminded that the two plans collectively describe how the Council discharges its duty as a 'Food Authority' and a health and safety 'Enforcing Authority'.

By way of introduction, the Commercial Team Leader drew attention to the significant reduction in the number of scheduled inspections of food businesses in 2015/16, compared to the target within the Food Safety Plan. The Committee were advised that this was a result of an increase of the number of new food businesses within the district and a greater than expected number of food related service requests and complaints. This had included a fatal accident investigation, a 'food recall' relating to a Huntingdon food business and a higher than anticipated level of formal enforcement actions being undertaken. In addition there had been a loss of resource as a result of an unexpected long-term sickness absence within the team.

In reviewing the monitoring information that had been provided, Members commented upon the significant reduction in the target for planned food hygiene inspections for category A-D businesses from 450 in 2015/16 to 300 in 2016/17. Having sought clarification as to the reasons and rationale for this change, the Committee were advised that there was an expectation that the number of new businesses within the District would continue at a high level and given that the Team had increased their commitment to other activities it was important to avoid raising expectations. Officers reiterated that routine inspections were only one small part of the service which the Commercial Team delivers and that the team had significantly increased its commitment to Food, Water and Environmental sampling, as a legitimate alternative to routine inspections.

The Commercial Team Leader explained that if the demand continues to increase, radical changes in service delivery may be required. Members noted that for 2016/17 a system had already been introduced whereby a number of Category D premises would not receive a routine full scoring inspection.

With regard to Food sampling, comment was made regarding the recent press coverage concerning E-coli in mixed salad leaves and the Commercial Team Leader indicated that he would expect the team to focus on food sampling in this area in the next month to respond to public interest. The Head of Community drew Members attention to a recent BBC programme, which had demonstrated findings that may not have been made during a routine inspection. In response to a question by a Member, the Committee went onto discuss the co-ordinated approach which was required when food sampling for a nationwide provider and the ways in which the Authority make decisions on whether to target larger providers or those who utilise very local resources.

In response to a question concerning the National Food Hygiene Rating System, the Committee were advised that the Food Standards Agency were currently considering the potential to levy a charge on those businesses who required re-inspection. It was intended that any fees would be retained by the local Authority. Having noted that the Authority had been selected to take part in a three-month pilot project, it was agreed that an update should be presented to their next meeting in November 2016.

Whereupon and having noted that the monitoring report for the first quarter of 2016/17 was expected shortly, it was

RESOLVED

that the monitoring report against the 2015-16 Food Safety and Health and Safety Services Plans be received and noted.

20. SCHEME OF DELEGATION

(a) LICENSING & PROTECTION COMMITTEE - SCHEME OF DELEGATION TO LICENSING & PROTECTION SUB-COMMITTEE

With the assistance of a report by the Head of Community (a copy of which was appended in the Minute Book), the Committee were invited to consider a proposed scheme of delegation between the Licensing & Protection Committee and the Licensing and Protection Sub-Committee.

The Committee were reminded that the Council had approved a new Constitution in March 2016 and subsequent legal advice had recommended that the Licensing and Protection Committee should formerly resolve to approve a scheme of delegation between the Committee and its sub-committee.

Having noted that the recommended scheme allows for the efficient and effective execution of the Council's licensing and registration function and also permits the Committee to reverse a delegation if it deems it necessary, it was

RESOLVED

- (a) that the scheme of delegation from the Licensing and Protection Committee to the Licensing and Protection Sub Committee as set out in the report now submitted be approved;
- (b) that the Head of Community be authorised to make minor editorial changes which by definition make no change to the powers of the delegations; and
- (c) that the Head of Community, in consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee, be authorised to make changes as a result of

revocations, amendments or the enactment of relevant statutory provisions.

(b) LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION TO OFFICERS

With the aid of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee were invited to consider a proposed scheme of delegation between the Licensing & Protection Committee and the Council's Officers.

The Committee were reminded that the Council had approved a new Constitution in March 2016 and subsequently legal advice had recommended that the Licensing and Protection Committee should formerly resolve to approve the scheme of delegation between the Committee and the Council's Officers.

Having noted that the recommended scheme allows for the efficient and effective execution of the Council's licensing and registration function and also permits the Committee to reverse a delegation if it deems it necessary, Members were advised that the proposed scheme replicated that which had previously been contained within the Council's Constitution with one exception.

The Head of Community then outlined a proposal to amend the former scheme in the interest of public safety, such that in those instances whereby the Licensing Manager wished to suspend a vehicle licence on safety grounds and in the interests of efficiency this could be undertaken without the need to consult with the Chairman and Vice-Chairman of the Committee. Members agreed that they were content to make this change. Whereupon, it was

RESOLVED

- (a) that the Scheme of Delegation from the Licensing and Protection Committee to Officers as set out in the report now submitted be approved;
- (b) that the Head of Community be authorised to make minor editorial changes to the Scheme, which by definition make no change to the powers of delegations;
- (c) that the Head of Community, in consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee be authorised to make changes as a result of revocations, amendments or the enactment of relevant statutory provisions;
- (d) that the Head of Community be authorised to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to him.

21. REPRESENTATIONS ON EXTERNAL ORGANISATIONS

With the assistance of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book), the Committee were invited to review the Council's representation on those organisations to which it appoints on an annual basis.

RESOLVED

that nominations be made to the following organisations as indicated in the table below –

Organisation	Representative for 2016/17
Cambridgeshire Consultative Group for the Fletton Brickworks Industry	Councillor E R Butler
Little Barford Power Station Liaison Committee	Councillor J E Corley
Needingworth Quarry Local Liaison Committee	Councillors R C Carter and M Francis
Warboys Landfill Local Liaison Committee	Councillor P L E Bucknell

22. LICENSING AND PROTECTION SUB-COMMITTEE

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee noted details of the two meetings of the Licensing and Protection Sub-Committee which had taken place between 28th June and 14th July 2016.

With reference to the meeting which had been held on 14th July 2016, the Chairman reported that the Sub-Committee had decided to renew the three expired Hackney Carriage Licences which had been under consideration.

It was agreed that the agendas for future meetings of the Committee should include a quarterly report, summarising vehicle licences which had been suspended by the Head of Community during that period under his delegated authority.

Chairman