

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 Wednesday, 5 July 2017.

PRESENT: Councillor S J Criswell – Chairman.

Councillors Mrs B E Boddington, J E Corley,
J W Davies, R Fuller, L George,
Mrs S A Giles, J M Palmer, Mrs J Tavener,
R G Tuplin and R J West.

APOLOGY: An Apology for absence from the meeting was submitted on behalf of Councillor Mrs S Conboy.

5. MINUTES

The Minutes of the meetings of the Licensing and Protection Committee held on 22nd March and 17th May 2017 were approved as correct records and signed by the Chairman.

6. MEMBERS INTERESTS

No declarations were received.

7. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS

With the assistance of a report by the Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee received an update on progress made against the delivery of work in the Council's Food Law Enforcement and Health and Safety Service Plans during the period 1st April to 19th June 2017.

In presenting progress against the Food Law Enforcement Plan, the Head of Community drew attention to two new initiatives which were being explored for roll out by the Division. The 'Better Business for All' programme, which aimed to bring together businesses and regulators through the creation of local partnerships and the public health led 'Healthier Options' programme which was intended to tackle the growing issues relating to obesity.

Attention was then drawn to the Appendices to the report which set out recorded activity against predicted activity in a number of service areas. The Committee were pleased to note that progress in the majority of areas in both Service Plans had been classified as green and were satisfied with the explanations which were provided for the three areas where progress had been identified as Amber.

The Head of Community then gave a brief update into the ongoing District Council investigation into the recent work place death at

Hamerton Zoo. Members were informed that the Police investigation had now concluded and the evidence had now been transferred to the Local Authority as the Regulatory Authority for Zoo Licensing and the Health and Safety Authority. It was hoped that a further update could be provided to the Committee's next meeting in September 2017. Members were advised of the support mechanisms which were in place to assist District Council officers in undertaking their work on this incident.

In response to Members comments regarding the national and international increase in notifications of food poisoning illnesses, Members were informed that there was traditionally an increase during the summer period. The District Council would continue to use Social Media to educate and inform local residents about the issue and would also be running the Food Standards Agency's Summer Barbecue campaign over the holiday season.

With regard to a question concerning programmed hygiene inspections, Members were reminded that all providers of food were subject to an inspection regime based upon their risk rating classification. This included road side facilities, where the storage facilities may not be not co-located on the same site.

In concluding their discussion on this item, the Committee were invited to consider the frequency upon which they wish to receive future monitoring reports. Following further discussion and having regard to their role in monitoring the delivery of the Food Law Enforcement and Health and Safety Service Plans, it was

RESOLVED

that monitoring reports should continue to be submitted to the Licensing and Protection Committee on a quarterly basis.

8. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18

Further to Minute No. 38 of their meeting held on 22 March 2017 and with the assistance of a report by the Head of Community (a copy of which was appended in the Minute Book), the Committee considered the contents of the 2017-18 draft Service Plan for Health and Safety Regulation. The Plan had been developed in accordance with the National Local Authority Enforcement Code and Local Authority Circular LAC 67/2 and sets out how the District Council will fulfil its duty to enforce of the relevant statutory provisions within its area over the forthcoming year.

Having been reminded that the Committee had reviewed the draft Plan at their previous meeting and having been acquainted with the amendments that had been made since that date, Members attention was drawn to the programme of proposed joint food hygiene and health and safety inspections in 2017/18. In response to fatal incidents within the last few years, work was also scheduled to be undertaken with regards to the management of risks at animal visitor attractions and at motorised leisure activities / large scale public events.

Arising from a Member question concerning beauty industry standards and specifically the use of tanning sunbeds, the Head of Community explained that there was no data to suggest that there were any heightened levels of concern in this area and the service were not receiving any complaints to this effect. However if Members wished, further information could be provided to a future meeting but this would require a decision on priorities and resourcing in other areas of the service.

The Committee were advised that whilst many local authorities undertake very little health and safety activity, Huntingdonshire in support of the objectives within its Corporate Plan continues to allocate resources in this area to maintain a health and safety service which was proportionate to the risk to the local community.

Whereupon, it was

RESOLVED

that the Service Plan for Health and Safety Regulation 2017-18 as appended to the report now submitted be approved.

9. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2017-18

Further to Minute No 37 of their meeting held on 22nd March 2017 and with the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book), the Committee considered the contents of the draft Service Plan for Food Law Enforcement for 2017-18. The Plan had been developed in accordance with the Food Standards Agency Framework Agreement and sets out how the District Council's enforcement function will be delivered over the course of the forthcoming year. A review of the work undertaken during the previous year had also been included.

Having been reminded that the Committee had reviewed the provisional Plan at their previous meeting and having been acquainted with the amendments that had been made since that date, it was

RESOLVED

that the Service Plan for Food Law Enforcement 2017-18 as appended to the report now submitted be approved, in accordance with the District Council's Constitution.

10. PUBLIC SPACE PROTECTION ORDER - CONSULTATION

Consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) seeking authorisation to undertake a consultation exercise which could be used to inform the principles and detail of a new Public Spaces Protection Order (PSPO) for the control of dogs in Huntingdonshire.

By way of background the Committee were informed by the Operational Manager (People) that there were currently four separate Dog Control Orders in place across the District. However given that these would lapse over a period of time from October 2017,

consideration was now being given to the implementation of a District-wide order.

Although it was recognised that the vast majority of dog owners were responsible and controlled their pets appropriately, Members were advised that the control of dogs continued to remain a significant issue for the public. The Council had received over 1,000 complaints related to dog control over the past 2 years.

Attention was drawn to the conditions imposed by the District's existing Orders and Members were advised that these only applied to the areas for which they were specified. Member's attention was then drawn to Section 3.4 of the report which set out the conditions on which it was intended to consult, with a view to their inclusion in a new PSPO. The preferred approach at this stage was to apply a range of general conditions across the whole of Huntingdonshire with additional conditions in specific locations

With regards to the consultation, Members were advised that it was proposed to undertake an on-line consultation exercise during July and August 2017. Having sought clarification that this would include Town and Parish Councils, Members were advised that the consultation would also include the Police and Crime Commissioner and the Constabulary as statutory consultees. Details of the specific issues on which views would be sought were also provided.

In welcoming the proposal given that dog control issues were a matter of regular discussion at Parish Council meetings, Members were also pleased to note that following the re-structure of the Community Division it was the intention to undertake further targeted enforcement in conjunction with Town and Parish Councils.

Whereupon and having noted that the intention was not to interfere unduly with the legitimate activities of responsible dog owners, but to enable the Authority to deal with the issue in an effective, transparent and proportionate manner, it was

RESOLVED

that a consultation exercise on the principles and content of a proposed new Public Spaces Protection Order covering the control of dogs in Huntingdonshire be authorised to proceed; the results of which should be presented to the meeting of the Licensing and Protection Committee on 20th September 2017.

11. SCOPING EXERCISE ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

With the assistance of a report by the Licensing Manager (a copy of which is appended in the Minute Book) the Committee received an update on the outcome of a recent scoping exercise on the Hackney Carriage and Private Hire functions undertaken by the Council and a proposal to formulate and publish a new dedicated Taxi Policy Statement for the District Council.

Members were advised by the Licensing Manager that the service currently operates within a number of separately published policies

and procedures, but has no overarching policy document. As a result of a recent increase in the number of licensed drivers and vehicles together with the need to be more business and customer focused, it was now considered appropriate to formulate and publish a dedicated Taxi Policy Statement. It would also provide an opportunity to address recent new statutory duties placed upon the Council and enable consideration to be given to the introduction of a number of new discretionary initiatives to raise standards.

Member's attention was then drawn to Section 3 of the report which set out a range of necessary and discretionary items which might be incorporated into the draft policy. Members were of the view that these should all be explored as part of the development of the new policy, although some comments were made about the potential issues surrounding the potential imposition of an age limit on vehicles.

Having been advised of the comments made by Councillor P D Reeve concerning the need to ensure that there is significant consultation with sector leaders within the District to identify and overcome any practical challenges, the Head of Community explained that there would be a full public consultation, including a specific event with the taxi trade between October and December 2017.

Whereupon and having acknowledged that the Council has a duty to provide a safe and secure taxi service to the public and the need to set sufficient licensing standards for the benefits of customers and the public, it was

RESOLVED

- (i) that a dedicated Taxi Licensing Policy be formulated and a draft prepared for the next meeting of the Licencing and Protection Committee on 20th September 2017;
- (ii) that the matters detailed in paragraph 3.1 of the report where action is considered to be necessary be approved for consideration as part of the development of the draft policy; and
- (iii) that the matters detailed in paragraph 3.2 of the report where action is considered to be discretionary also be approved for consideration as part of the development of the draft policy.

12. COMMENCEMENT OF SECTION 165 AND 167 OF THE EQUALITY ACT 2010 : CHANGES TO THE LEGISLATION AFFECTING DRIVERS OF WHEELCHAIR ACCESSIBLE VEHICLES

With the assistance of a report by the Licensing Manager (a copy of which is appended in the Minute Book) the Committee considered a report seeking authority to implement Sections 165 and 167 of the Equalities Act 2010.

The Committee were advised by the Licensing Manager that Sections 165 and 167 of the Equalities Act came into force on 6th April 2017. Section 165 made it illegal for taxi drivers of designated wheelchair accessible vehicles to discriminate against wheelchair users unless

they are certified as being exempt.

The Licensing Manager explained that before drivers can be subject to the duties under Section 165, the Licensing Authority must publish a list of designated vehicles. Section 167 of the Act permits, but does not require Licensing Authorities to maintain a designated list. Whilst Licensing Authorities were under no legal obligation to main a list, the Government strongly recommended that they did and the Department for Transport had recently issued Statutory Guidance on access for wheelchair users to Taxis and Private Hire vehicles to which Local Authorities should have regard.

Attention was then drawn to the steps which would be required to ensure that the new requirements are implemented effectively in Huntingdonshire. Members were advised that whilst there was no requirement to undertake consultation, drivers and operators would be made aware of the new requirements and given time to apply for exemptions where appropriate.

Having noted that the intention of Sections 165 and 167 was to have a positive impact for passengers in wheelchairs to ensure that they are better informed about the accessibility of designated taxis and private hire vehicles and were confident of receiving the assistance they needed to travel safely, it was

RESOLVED

- (i) that the implementation of Sections 165 and 167 of the Equality Act 2010 as laid out in the main body of the report be approved.
- (ii) that if possible the timeframe for implementation should be within a period of six months, but if not the Head of Community and the Licensing Manager following consultation with the Executive Councillor for Housing and Regulatory Services and the Chairman of the Licensing & Protection Committee be authorised to set a final implementation date.
- (iii) that the Head of Community and the Licensing Manager be authorised to determine all procedural matters including the application form, the evidential requirement in support of claims, the system for assessments and the duration of an exemption certificate; and
- (iv) that any breaches would require the driver to appear before the Licensing and Protection Sub-Committee to determine whether there are 'fit and proper' to hold a Hackney Carriage and Private Hire Driver's licence.

13. 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.

Whereupon and having noted that the existing representatives had indicated that they were happy to continue to represent the District Council, it was

RESOLVED

that nominations are made to the following organisations :-

Organisation	Representative for 2017/18
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

14. LICENSING AND PROTECTION APPLICATIONS 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 the details of three meetings of the Licensing and Protection Sub-Committee which had taken place between 11th May and 30th June 2017.

15. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERS

With the aid of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee noted the details of two licences which had been suspended under the powers delegated to the Head of Community since the last meeting of the Committee.

Chairman