

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in **CIVIC SUITE 0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 5 JULY 2017** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

1. MINUTES (Pages 5 - 14)

To approve as a correct record the Minutes of the meetings of the Licensing and Protection Committee held on 22nd March and 17th May 2017.

**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. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS (Pages 15 - 24)

To consider the monitoring report on the delivery of the Food Law Enforcement Plan and the Health and Safety Service Plan for the period 1st April to 19th June 2017.

**C Stopford
388280**

**S Walford
388002**

4. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18 (Pages 25 - 48)

To approve the Service Plan for Health and Safety Regulation 2017-18.

**C Stopford
388280**

**S Walford
388002**

5. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2017-18 (Pages 49 - 78)

To approve the Service Plan for Food Law Enforcement 2017-18 in accordance with the Council's Constitution.

**C Stopford
388280**

**S Walford
388002**

6. PUBLIC SPACE PROTECTION ORDER - CONSULTATION (Pages 79 - 84)

To consider a report by the Head of Community seeking authorisation to undertake a consultation exercise on the principles and content of a proposed new Public Spaces Protection Order covering the control of dogs.

**F Flett
388377**

7. SCOPING EXERCISE ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (Pages 85 - 92)

To consider a report by the Head of Community concerning proposals to formulate a new policy statement for taxi licensing.

**C Allison
387075**

8. COMMENCEMENT OF SECTION 165 AND 167 OF THE EQUALITY ACT 2010 : CHANGES TO THE LEGISLATION AFFECTING DRIVERS OF WHEELCHAIR ACCESSIBLE VEHICLES (Pages 93 - 112)

To consider a report outlining changes to the legislation affecting drivers of wheelchair accessible vehicles and the steps required to implement the new arrangements.

**C Allison
387075**

9. REPRESENTATIONS ON EXTERNAL ORGANISATIONS (Pages 113 - 114)

To make nominations to the organisations listed on the report by the Elections and Democratic Services Manager.

**C Bulman
388234**

10. LICENSING AND PROTECTION APPLICATIONS SUB COMMITTEE (Pages 115 - 116)

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

**C Bulman
388169**

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

To consider a report by the Head of Community, summarising the actions which have taken place since the last meeting of the Licensing and Protection Committee.

**C Allison
387075**

Dated this 27 day of June 2017



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 COMMITTEE held in Civic Suite 0.1B, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 22 March 2017.

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

APOLOGY: An Apology for absence from the meeting were submitted on behalf of Councillors Mrs S A Giles.

32. ELECTION OF CHAIRMAN

RESOLVED

that Councillor S J Criswell be elected Chairman of the Committee for the remainder of the Municipal Year.

Councillor S J Criswell in the Chair.

In thanking the Committee for his election Councillor Criswell paid tribute to the former Chairman, Councillor R Fuller who would continue to serve on the Committee as the Cabinet Member with responsibility for Housing and Regulatory Services.

33. MINUTES

The Minutes of the meeting of the Licensing and Protection Committee held on 17th November 2016 were approved as a correct record and signed by the Chairman.

34. MEMBERS' INTERESTS

Councillor S J Criswell declared a non-disclosable pecuniary interest in Minute Nos. 35, 36, 37 and 38 by virtue of his membership of Cambridgeshire County Council.

Councillor J E Corley declared a non-disclosable pecuniary interest in Minute No.35 by virtue of his membership of St Neots Town Council.

35. PROPOSED PUBLIC SPACE PROTECTION ORDERS FOR ST NEOTS

By means of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee considered a proposal for the implementation of two Public Space Protection Orders (PSPOs) in St Neots under the Anti-Social Behaviour Crime and

Policing Act 2014.

The Committee were advised that the Orders were being proposed in response to persistent complaints from residents of 'boy racers' congregating and causing alarm, harassment and distress to those in the vicinity and were intended to cover (i) the areas of Riverside Car Park, the Market area and the area in between and (ii) the areas of Little End and Howard Road Industrial Estates and Colmworth Business Park for a three year period from 1st April 2017. Details of the proposed prohibitions contained within these orders were set out in detail at Section 1.2 of the report and provided to Members of the Committee.

Members were informed that consultation had been carried out for a period of 28 days during January and February 2017 within the proposed areas with statutory consultees, identified relevant bodies, residents and businesses and there had been no opposition to the proposal. A supplementary paper outlining the support of the Police and Crime Commissioner to the proposals was also tabled at the meeting (a copy of which is appended in the Minute Book). Members were also reminded of the success of the Public Space Protection Order in Huntingdon Town Centre in reducing street drinking within the town.

With regard to the enforcement of the Orders, the Committee were advised that Public Space Protection Orders could be enforced by Officers of the Constabulary as well as delegated Officers of the District Council.

In considering the information within the report, Members commented on the potential for the implementation of these Orders to disperse activity to other parishes within the District and commented on the need to actively communicate with other parishes within the District to manage these risks. In response to which, the Committee were advised that this had been fully considered in the development of the proposals and would continue to be monitored by the area based Problem Solving Groups following the implementation date who would agree further action if required.

With regard to the prohibitions within the Order, comment was made regarding the levels of noise which would be deemed as unreasonable given that there were no limits specified within the Orders. In response to which, the Committee were advised that the regular perpetrators were well aware of the levels of acceptability, however there would be an element of discretion on behalf of the enforcing officers in addressing this issue similar to the Designated Public Protection Order (DPPO) which was in place in St Ives.

In response to a question concerning the enforcement of the Orders, the Committee were advised that having considered the pattern of events following the implementation of the Huntingdon Town Centre PSPO, it was believed that whilst the Orders might be resource intensive initially, through effective publicity and enforcement of the prohibitions within the first few months it was envisaged that demand would subside after the first few months.

In response to a question regarding the size of the areas which the

PSPOs would cover and whether these were of a sufficient given the potential for displacement of the existing issues, the Committee were reminded that the Orders were being proposed to tackle an existing issue and that the areas proposed related to crime data and calls for service to Cambridgeshire Constabulary. It was explained that the Orders could be amended at any time, provided the statutory consultation was undertaken and sufficient evidence available to meet the required tests.

In concluding the discussion on this item, the Executive Councillor for Housing and Regulatory Services took the opportunity to remind the Committee that the Orders were being proposed to tackle an existing issue based upon reported crime figures and would enable the District Council to tackle an ongoing issue by a specific group of individuals. He explained that the problems in St Neots centred around specific isolated sites as opposed to residential streets and due to the nature of these it was also considered that displacement would be unlikely, however this would continue to be monitored.

Whereupon, it was unanimously

RESOLVED

that the implementation of two Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014 for the areas of St Neots (as shown in Appendix A and B to the report now submitted) in response to persistent complaints of the anti-social behaviour caused by 'boy racers' be approved with effect from 1st April 2017 for a three year period.

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

With the assistance of a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) the Committee received an update on progress made against the delivery of work in Council's Food Law Enforcement and Health and Safety Plans during the period 1st April 2016 to 28th February 2017.

Having noted that in general terms the service was on target to deliver the programmed work within the approved Plans, Members attention was drawn to the increase in unplanned (reactive) as opposed to programmed work, where recorded activity was exceeding that which had been predicted. These included inspections of new food businesses, an increase in health and safety complaints / requests for service and an increase in the commencement of accident and dangerous occurrence investigations.

In discussing the increase in activity in these 'reactive' areas which had been categorised as 'Red' within the report, Members commented that this was a reflection on demand as opposed to performance which was not within the Council's direct control and questioned whether there was a better way to categorise this within the report such that it was not portrayed as a negative. However following further discussion it was concluded that the report continued

to serve the purpose of the committee.

In response to a question regarding future planning given the increase in demand in reactive work, the Committee were advised that activity was very difficult to predict and that there was no upward trend. An analysis from 2010 showed upward and downward fluctuations on a year on year basis. However, if necessary changes could be made to the selection criteria for the prioritisation of issues to manage the increasing number of complaints.

Whereupon, it was

RESOLVED

- (a) that the contents of the Monitoring Report on the Delivery of the Food Law Enforcement Service Plan and the Health and Safety Service Plan be noted; and
- (b) that further monitoring reports should continue to be submitted to future meetings of the Committee.

37. PROVISIONAL SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2017-18

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 2017-18 Provisional Service Plan for Food Law Enforcement.

Members were reminded that the Food Standards Agency (FSA) requires every local authority to outline how it will fulfil its duty to deliver official food controls within the District. The arrangements detailing how and at what level the official controls will be delivered must be laid down in the form of a Service Plan for Food Law Enforcement.

Members were advised that the Provisional Service Plan for 2017-18 sets out how the food safety and hygiene function within the Council will be delivered over the coming year and details the resources required to deliver the service, together with a review of the previous year's performance.

In terms of the 2017/18 Provisional Plan, the Committee were informed that due to revised methods of calculating internal recharges and overheads, the budget for 2017-18 is 9.4% lower than the previous year. It was also explained that the Service would need to keep abreast during the year of the FSA's plans for the regulation of food law on a nationwide basis which could have a significant impact on food law enforcement in Huntingdonshire, together with the expected introduction of the mandatory display of food hygiene rating stickers at all food premises. The Plan would continue to be reviewed over the next few weeks as the leadership and composition of the new Business Team in the Community Division is finalised with a view to the presentation of the final version at the Committee's next meeting.

In reviewing the contents of the provisional plan, comment was made to the increase in Direct Costs (salaries, NI and pensions) compared to the previous year. Members were advised that this related to the outcome of the recent restructure within the Community Division which had resulted in an increase in the numbers of front line staff. Members were informed that the restructuring exercise was now nearing completion.

An explanation was also sought as to the reasons for the review of internal recharges and overheads and the consequent reduction in the budget for food law enforcement by 9.4%. In response to which the Head of Community explained that a review of all recharges had been undertaken following the launch of the Council's 3C Shared Services and to promote good financial practices which had resulted in significant changes to the calculation methods. With this in mind and for comparison purposes, he urged members to focus on the direct costs within the report.

Whereupon, it was

RESOLVED

- (a) that the Provisional Service Plan for Food Law Enforcement 2017-18 be approved in accordance with the Council's Constitution; and
- (b) the final Service Plan for Food Law Enforcement be presented to the Committee for consideration at their next meeting on 5th July 2017.

38. PROVISIONAL SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18

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 Provisional Service Plan for Health and Safety Regulation.

The Committee were reminded that the Health and Safety Executive (HSE) is the national regulator for health and safety and requires every local authority to outline how it will fulfil its duty "to make adequate arrangements for the enforcement of the relevant statutory provisions within its area". The Service Plan for Health and Safety Regulation outlines how the Council's role as a health and safety regulator will be delivered and details the resources required to deliver the service, together with a review of the previous year's performance. The Plan is also required to align with the National Local Authority Enforcement Code and Local Authority Circulars.

Members were informed that historically 20% of establishment posts have been allocated to health and safety activity, however based upon 2016 data this has been reduced to 15%. This has contributed significantly to the reduction in the overall budget by 36% compared to the previous year.

In considering the details within the provisional Service Plan, Members have asked questions concerning the use of tanning beds

at the One Leisure Centres and the responsible authority for dealing with sewage discharge into local rivers and streams. In response to which, the Committee has noted that one of the Health and Safety Executive's Individual Industry Standards relates to the beauty sector and whilst some targeted work had been undertaken by the Authority several years ago it might be an appropriate time to give the matter further consideration. Members noted that the Environment Agency retained jurisdiction for rivers and streams.

In response to a specific question regarding Smoke free enforcement work, Members noted that this has now become integrated into routine inspection activity and in response to specific complaints from Members of the Public. A Member questioned whether there was a need to further publicise that this service was provided by the District Council, however Officers were of the opinion that given that breaches of the regulations were few and far between there was no additional need.

Whereupon and having noted that the Provisional Service Plan will be further reviewed over the next few weeks as the leadership and composition of the newly established Business Team within the Community Division is established, it was

RESOLVED

(a) that the 'Provisional Service Plan for Health and Safety Regulation 2017-18 be approved; and

(b) that the final Service Plan should be presented to the Committee's next meeting on 5th July 2017.

39. 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 4 meetings of the Licensing and Protection Sub-Committee which had taken place between 14th December 2016 and 20th March 2017.

40. 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 2 driver licences which had been revoked under the powers delegated to the Head of Community since the last meeting of the Committee.

41. ANNUAL TRAINING FOR MEMBERS

Members noted that the annual training for Committee Members would be held on Wednesday, 7th June 2017 at Pathfinder House, Huntingdon.

Chairman

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 17 May 2017.

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

1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor S Criswell be elected Chairman of the Committee for the ensuing Municipal Year.

Councillor S Criswell in the Chair.

2. MEMBERS INTERESTS

No declarations were received.

3. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

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

4. ANNUAL TRAINING

Members noted that the annual training for Committee Members would be held on Wednesday 7 June 2017 at 9.30am in the Civic Suite, Pathfinder House and all Members were required to attend

Chairman

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Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

| | |
|-----------------------------|---|
| Title: | Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans |
| Meeting/Date: | Licensing and Protection Committee – 19 June 2017 |
| Executive Portfolio: | Executive Councillor for Housing and Regulatory Services - Cllr Ryan Fuller |
| Report by: | Operational Manager (Business) – Susan Walford |
| Ward(s) affected: | All |

Executive Summary:

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2017-18 are separate items on this agenda for approval by committee.

This monitoring report covers the period from 1 April 2017 to 19 June 2017. The period before 1 April is covered in the review of the 2016-17 service plan contained within the reports above. In general terms the monitoring report accounts for work undertaken by the Business Team within the defined period and compares this to the service plan to ensure that the service is on target to deliver the programmed work.

Programmed work is delivered alongside reactive work, the volume of which by definition is impossible to predict. This work is carried out according to risk. Complaints and accident investigations are prioritised using risk-based selection criteria, and the volume of work is reported here to attempt to identify any emerging risks in terms of resource provision.

The number of start-up businesses and the turnover of ownership amongst some sectors of the food industry (especially takeaways) understandably places unpredictable demands on resources. New food businesses must be visited as soon as possible after they start to trade to ensure that they are aware of their responsibilities to produce safe and wholesome food.

Corporate Performance Indicator PI20 refers to the percentage of newly registered food businesses which are inspected within 28 days of registration and the target for 2017-18 is 50%.

Appendices 1 and 2 contain detailed information about the delivery of the Food Law Enforcement Service Plan. Appendix 3 contains detailed information about the delivery of the Health and Safety Service Plan.

Recommendation(s):

Members are requested to:-

1. Comment on the delivery of the two Service Plans for the period 1 April 2017 to 19 June 2017
2. Consider the frequency of further reports to future meetings.

1. PURPOSE OF THE REPORT

- 1.1. The report provides information about the delivery of the two Service Plans for the period between 1 April 2017 and 19 June 2017.

2. WHY IS THE REPORT NECESSARY?

- 2.1 Members have asked to be kept informed about the delivery of the work in the approved plans.

3. A DESCRIPTION OF THE SERVICES COVERED BY THE REPORT

- 3.1 Food Law Enforcement consists of these areas of work:

- a) Planned activities such as routine inspections of food businesses, food and environmental sampling and the provision of food hygiene training courses;
- b) Unplanned (reactive) work such as the investigation of customer complaints, dealing with requests for compliance advice and following up notifications of food poisoning;
- c) Liaison with other departments in the interests of coordinated service delivery: in particular licensing and planning;
- d) Supporting national strategies and the wider public health agenda.

- 3.2 Health and Safety regulation consists of these areas of work:

- a) Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
- b) Unplanned (reactive) work such as the investigation of notifiable accidents, prescribed diseases, complaints and dealing with serious risks that are identified during other activities (Matters of Evident Concern);
- c) The provision of compliance advice to businesses.

4. PROGRESS AGAINST THE APPROVED PLANS

- 4.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.

- 4.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan.

- 4.3 The key activities of scheduled inspections, compliance revisits, inspections of new businesses and sampling visits are either green or amber.

- 4.4 The provision of information, advice and training is an important part of the service. Business advice is an integral part of every inspection this is supported by a programme of food hygiene courses aimed at people who work in food businesses and for whom appropriate training is vital to protect public health. Since April this year we have been unable to hold any courses as the accredited exam body has been reviewing their course content to ensure it continues to be relevant to the market. It is hoped that we will be in a position to launch our new look programme over the summer. In a commercial vein we are also hoping to offer bespoke training to businesses who would like assistance training staff on in-house hygiene procedures.

- 4.5 A further primary authority proposition has been presented by a local business wishing to establish a partnership with the council. Discussions are on-going with both the business and Regulatory Delivery (the government department responsible for overseeing the scheme), to agree the scope and terms of the contract.

- 4.6 The service plan also refers to two new initiatives that are being explored for roll out by the team.

1. The first is related to Better Business for All, which aims to bring together businesses and regulators and involves the creation of local partnerships to identify the issues facing local businesses, and to then shape the provision of effective support by local regulators. It will involve all regulatory services often extending to planning and economic development as well as the GCGP-LEP signpost -2-grow and business representatives. The key objectives are :
 - to provide advice and support to business
 - increase business awareness of regulatory support
 - ensure effective co-ordination across regulatory services
 - simplify the local regulatory system and processes
 - reduce the regulatory burden on businesses
 - establish partnerships between regulatory services and local businesses.

2. The second is the public health led Healthier Options programme which aims to see healthier food and drink options for people to choose from when eating out and about. Small and medium sized food businesses will be supported by the Business Team to participate in this free membership award scheme. The primary aim is to persuade Businesses to pledge their unique intentions for changes to food preparation techniques and menus around key areas to;
 - i. Reduce portion sizes.
 - ii. 'Change the default' *make the standard option the healthier option*
 - iii. Reduce sugar, fat and salt
 - iv. Increase fruit and vegetables

The service also uses social media to promote good practice, good news stories and to support the FSA's strategic aims whenever practicable.

- 4.6 Appendix 2 refers to the unplanned (reactive) work. The number of customer complaints and service requests is driven by demand, so they are closely monitored and prioritised according to risk using publicly available selection criteria. Any intelligence emerging around trends can be used to inform proactive work through education or enforcement action.

- 4.7 The Health and Safety Service Plan also contains a mixture of programmed work, reactive work and the provision of compliance information and advice.

- 4.8 There do not appear to be any emerging issues at this point however it is important that complaints are considered according to risk and approached in a proportionate manner. The number of complaints and service requests is monitored closely and it may be necessary to introduce some selection criteria if the numbers continue to rise. Accident investigations are already selected according to established selection criteria. The recent work place death reported at Hamerton Zoo is being investigated by the team and has already involved considerable officer time.

- 4.9 Officers continue to witness serious health and safety problems whilst carrying out other duties. These are identified as "Matters of Evident Concern" (MEC). The frequency with which they are reported is an indication of the extent to which businesses fail to manage serious risks without our intervention.

5. RISKS

- 5.1. The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency and the Health and Safety Executive in their capacities as the national regulators.

- 5.2. Members have asked to be kept informed about the delivery of the approved Service Plans in order that they can comment on the way in which the service is provided as well as the available resources.

6. LINK TO THE CORPORATE PLAN

6.1. These reporting arrangements support the wider corporate objectives to “*Improve the efficiency of service delivery and become more business-like*” and to “*drive service priorities*”.

7. LEGAL IMPLICATIONS

7.1 None

8. RESOURCE IMPLICATIONS

8.1 The failure to report the delivery of the approved Service Plans may prejudice the Council’s ability to provide the necessary resources.

9. OTHER IMPLICATIONS

9.1. None.

10. REASONS FOR THE RECOMMENDATION

10.1. To keep Members informed about the delivery of the approved Service Plans.

11. APPENDICES

Appendix 1 - Food Safety Service Plan: Programmed (proactive) Activity

Appendix 2 - Food Safety Service Plan: Reactive Activity

Appendix 3 - Health and Safety Activity

CONTACT OFFICERS

Mr Chris Stopford
Head of Community
Tel: 01480 388280

Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002

Appendix 1 – Food Safety Service Plan: Programmed (proactive) Activity

| Proactive Tasks | Level of Activity | | Progress |
|--|---|--|-------------------|
| | Predicted activity 2017-18 (for approval) | Recorded activity 1 April 2017 – 19 June 2017 | RAG Status |
| Programmed food hygiene inspections (risk group A-D, in addition to those below) | 444 | 82 | Green |
| Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders) | 229 | 18 | Amber |
| Revisits | 100 | 7 | Green |
| Inspections of or visits to new food businesses ¹ | 130 | 17 | Amber |
| Visits to Approved Establishments | 8 | 1 | Green |
| Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training ² | 10 | 2 | Green |
| Other proactive visits (food, water and environmental samples/advisory) | 220 | 65 | Green |
| Prosecutions and cautions | 2 | 0 | Green |
| Formal action (service of notices, closures) | 20 | 0 | Green |
| Food safety and public health promotion | <ul style="list-style-type: none"> • The food hygiene training programme has been reviewed and updated • Opportunities to provide bespoke training are being pursued with businesses who show an interest • A meeting has been held with a local business to investigate setting up a primary authority agreement. • A meeting has been | | Green |

| | | |
|--|---|--|
| | <p>programmed to scope out the implementation of the Healthier Options Project</p> <ul style="list-style-type: none"> • A meeting has been arranged with Signpost 2 Grow to discuss closer working arrangements for business support and regulatory compliance services through the better business for all programme. | |
|--|---|--|

Notes

1. *New businesses continue to be unpredictable – the definition includes both brand new start-up businesses as well as those that are changes of ownership or food business operator within an existing business. All have to be added to the premises database and visited as soon as possible. New businesses are triaged to ensure that the brand new higher risk start-ups receive support and visits to clarify any queries they have around the requirements for compliance.*
2. *Officer time spent on Primary Authority Agreements such as that with Cambridgeshire Catering and Cleaning Services (CCS) are recharged to the business in line with the agreed cost recovery arrangements.*

Appendix 2 – Food Safety Service Plan: Reactive Activity

| Reactive Tasks | Level of activity | | Risk Monitoring |
|---|---|---|-----------------|
| | Predicted Activity 2017-18 (for approval) | Recorded activity 1 April 2017 – 19 June 2017 | RAG Status |
| Complaints and service requests about food and about/from food businesses | 650 | 100 | Green |
| Food, water and environmental samples taken | 100 | 2 | Green |
| Infectious disease control - notifications of food-borne/food poisoning illnesses | 80 | 14 | Green |
| FSA food alerts for action | 5 | 0 | Green |

Notes

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Appendix 3 – Health and Safety Activity

| Type of Activity | Level of Activity | | Progress |
|---|--|-------------------------------------|----------------------------|
| | Predicted Activity 2017/18 (for approval) | Recorded Activity 1 April – 19 June | Status (Green, Amber, Red) |
| Premises inspections and interventions (including revisits) | 100 | 5 | Green |
| Health and safety complaints and requests for service received | 75 | 22 | Amber |
| Accident and dangerous occurrence investigations commenced ¹ | 25 | 7 ² | Green |
| Specific smoke free enforcement visits ³ | 10 | 0 | Green |
| Matters of Evident Concern (MEC) Identified ⁴ | 30 | 2 | Green |
| Health and safety promotion and advice to business/enquiries | . | | Green |
| Liaison with other organisations | Two meetings of the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group | | Green |

Notes

1. This figure includes statutory notifications about working with asbestos, Adverse Insurance Reports (AIR) about unsafe work equipment and requests for advice and information. The diversity of work illustrates the importance of maintaining resources in order that effective investigations can be carried out.
2. The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13. This includes investigation of the recent work place death at Hamerton Zoo.
3. This figure is driven by the number of relevant complaints received by the service.
4. Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities.

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Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Service Plan for Health and Safety Regulation 2017-18

Meeting/Date: Licensing and Protection Committee – 5 July 2017

Executive Portfolio: Executive Councillor for Housing and Regulatory Services -
Cllr Ryan Fuller

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (revision 6)

Recommendation:

Members are requested to:-

1. Approve the ‘Service Plan for Health and Safety Regulation 2017-18’

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Service Plan 2017-18 to the members of the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for health and safety regulation.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular (LAC) 67/2.
- 2.2 The council’s role as a health and safety regulator is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year’s performance.
- 2.3 The Business Team is a part of the recently restructured Community Division, which continues to take shape as the restructure is embedded.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The service has considered the National Enforcement Code, the Corporate Plan 2016-18 and the predicted 2017-18 figures based upon work delivered since 1 April 2016.

4. KEY IMPACTS/RISKS

- 4.1 A failure to produce an appropriate Service Plan could invite criticism from the HSE which, as the national regulator oversees local authorities. This in turn could result in contact from the HSE’s Local Authority Unit.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be delivered alongside the Business Team’s other core functions of food safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1 Service Plans support the Council’s Corporate Plan and contribute to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.
- 7.2 The HSE’s National Local Enforcement Code recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.

- 7.3 This plan replaces the 2016-17 Service Plan and includes a review of performance in order to consider any variances from meeting the requirements of the service plan and to identify areas for improvement.

8. RESOURCE IMPLICATIONS

- 8.1 The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.
- 8.2 The budget is within the approved budget for 2017-18

9. OTHER IMPLICATIONS

- 9.1 The HSE expects local authorities to carry out their regulatory activities in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Service Plan will help to meet those expectations.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Huntingdonshire District Council is required to produce and approve a Health and Safety Service Plan. The Service Plan has been reviewed following the presentation of the draft plan to committee and is achievable within the aspirations of the Council and the approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 – Service Plan for Health and Safety Regulation 2017-18

CONTACT OFFICERS

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Head of Community
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Operational Manager (Business)
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COMMUNITY DIVISION

SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev6)**

July 2017

EXECUTIVE SUMMARY 2017-18

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and employees to protect people from unsafe working conditions and support compliant workplaces.

The service is linked to the Council's Corporate Plan and aims to comply with the Health and Safety Executive's (HSE) "National Local Authority Enforcement Code". This work is detailed within the national Local Authority Circular (LAC 67/2) which outlines the ways in which local authorities should comply with the national code.

This plan sets out the service's approach to delivering consistent and proportionate regulatory interventions, a summary of activity carried out during 2016-17 and an estimate of the programmed work for 2017-18.

The health and safety service is one of the functions carried out by officers within the Business Team of the Community Division. Those officers also deliver regulatory and advisory functions in the fields of food safety, infectious disease control, drinking water safety, smoke free legislation and licensing.

RESOURCES

STAFF

| | 2016-17 | 2017-18 |
|--|-------------|--------------|
| Environmental Health Officers (EHO)* | 1.15 | 0.513 |
| Environmental Health Protection Officers (EHPO)* | 0.35 | 0.271 |
| Operational Manager (Business) | n/a | 0.15 |
| | 1.50 | 0.934 |
| Business Support Staff | 0.16 | 0.16 |
| Total | 1.66 | 1.094 |

* These figures represent the proportion of the establishment posts which is allocated to health and safety. Historically this has been 20% but is expected to be 15% based upon 2016 data.

The Business Support team provide an administrative function which comprises: preparation of reports, letters and notices; updating computer records; recording of enquiries and service requests; collation of data about reportable accidents; collation of data for HSE and CIEH returns and internal PI monitoring.

FINANCIAL

| | 2016-17 | 2017-18 |
|--|------------------------|-----------------------|
| Direct Costs | | |
| Employees (salaries, NI and pensions) | £79,614 | £55,731 |
| Other (Legal fees, sampling, equipment etc.) | £10,028 | £1,308 |
| Overheads | £22,063 | £14,380 |
| TOTAL | <u>£111,705</u> | <u>£71,419</u> |

The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.

ACTIVITIES

The range of activities undertaken is shown in table 1 (below).

Table 1 – Health and Safety Activity

| Activity | Level of activity | |
|--|--|-------------------|
| | Actual 2016-17 | Estimated 2017-18 |
| Premises inspections and interventions (including revisits) | 95 | 100 |
| Health and safety complaints and requests for service | 75 | 75 |
| Accident and dangerous occurrence investigations commenced | 24* | 25 |
| Specific smoke free enforcement visits | 0 | 10 |
| Matters of Evident Concern (MEC) | 30 | 30 |
| Health and safety promotion and advice to business/enquiries | e.g. provision of training courses, development of newsletter, leaflets, website, educational initiatives (in addition to those identified in "interventions") | |
| Liaison with other organisations | Five meetings of the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group | |

* 85 notifications received of which 24 warranted further investigation

A balanced workload has been proposed for 2017-18 which incorporates a range of intervention activities based upon the staffing allocation and budget provision outlined above.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 Health and safety regulation is an important mechanism for reducing accidents and ill health arising in the workplace as well as contributing to economic growth. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.

1.2 The service aims to:

- Help the Council to fulfil its statutory role as a “Health and Safety Enforcing Authority” and ensure the effective regulation of health and safety standards and;
- Deliver a complementary programme of advice and enforcement to ensure that businesses are better placed to comply with their duties.

1.3 The service seeks to meet these aims through a number of key objectives which include:

- Securing compliance with health and safety law, having regard to Approved Codes of Practice and Guidance
- Investigating complaints and taking appropriate action
- Delivering a targeted intervention programme based on high risk activities falling into specific LA enforced sectors.
- Investigating reported accidents, dangerous occurrences and notifiable diseases on the basis of risk and taking appropriate enforcement action
- Maintaining a register of premises for which the Council has enforcement responsibility
- Maintaining a register of evaporative condensers and water-cooling towers on behalf of the HSE
- Responding to statutory notifications about the removal of asbestos or asbestos-containing material
- Responding to Adverse Insurance Reports (AIR) submitted by engineers appointed by insurance companies
- Taking samples of articles and substances as they relate to a working environment
- Providing advice and guidance, in particular to new businesses
- Working in partnership with other organisations to promote health and safety in the workplace.

1.4 The plans and initiatives to which the service must have regard include:

- The HSE’s strategy “Help GB Work Well”
- The Council’s Corporate Plan 2016-18
- The HSE’s National Local Authority Enforcement Code
- Local Authority Circular (LAC) 67/2 (Revision 6)
- The Regulators’ Code

2.0 SERVICE DELIVERY

2.1 Introduction

- 2.1.1 The health and safety service is delivered by officers within the Business Team of the Community Division.
- 2.1.2 The service will deliver a mixture of proactive and reactive interventions which will be consistent with government guidance. In practice this will comprise programmed inspections of the highest risk workplaces alongside targeted projects aligned with LAC 67/2. These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints. Some of these interventions may arise during the year according to national or local issues that have presented themselves and cannot be foreseen. In these circumstances priorities may be need to be changed and the programmed work identified in this plan rolled over into the next.
- 2.1.3 Whilst the need to work in accordance with national guidance is recognised, the service will also honour the Council's long standing commitment to provide support for businesses.

2.2 Health and safety inspections

- 2.2.1 There are almost 2,400 premises on the premises database. Table 2 shows a breakdown of those businesses where activities are regulated by the local authority

Table 2 - Analysis of Premises by HSE Classification

| HSE Classification of Main Activity | No. |
|--|-----|
| Retail Shops | 493 |
| Catering, restaurants and bars | 485 |
| Offices | 365 |
| Consumer services (e.g. hairdressing, tyre fitting, tattooing) | 374 |
| Wholesale, warehouses and fuel depots | 219 |
| Leisure and cultural services (e.g. cinema, place of worship) | 151 |
| Hotels, camp sites and other short-stay accommodation | 57 |
| Provision of permanent residential accommodation | 27 |
| Other premises (not classified above) | 31 |

- 2.2.2 Records show that 45 businesses are scheduled to be inspected during 2017-18. However, the National Local Authority Enforcement Code (supported by LAC 67/2) states that unannounced proactive inspections should only be used for

- The highest risk premises
- Those on HSE's published list of specific local authority enforced sectors
- Where there is local intelligence which shows that risks are not being effectively managed.

In practice this means that the premises which are due for an inspection are unlikely to be visited unless they fall into one of the specified categories.

2.2.3 According to the National Code the high risk sectors which are suitable for proactive inspections include

- Open farms and animal visitor attractions
- Premises with buried metal LPG pipework
- High volume warehousing and distribution
- Industrial retail/wholesale premises
- Large scale public events
- Commercial catering premises that use solid fuel cooking equipment
- Premises with vulnerable working conditions (e.g. lone working)

2.2.4 Proactive inspections can also be carried out at premises where a food hygiene inspection and a health and safety inspection are both due in the same year. These premises will be inspected accordingly.

2.2.5 LAC 67/2 also identifies specific topic areas that should be addressed during the course of routine visits. These include

- Falls from height – work on or adjacent to fragile roofs/materials
- Health risks from respirable silica dust
- Duty to manage asbestos
- Beverage gases in the hospitality industry
- Welfare facilities for delivery drivers

2.3 Other health and safety interventions

2.3.1 LAC 67/2 identifies several other intervention types which can be used as an alternative to unannounced proactive inspections. These include the following:

- Visits by appointment
- The provision of advice and information
- Sector-specific initiatives which target local problems
- Responding to "local intelligence" which gives cause for concern
- Dealing with serious matters as they are observed or brought to an inspector's attention during advisory or other interventions
- These include Matters of Evident Concern (MECs) – issues that create a risk of serious personal injury or ill-health; and Matters of Potential Major Concern (MPMCs) – those with a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health

2.3.2 The Health and Safety Executive's (HSE) Helping Great Britain Work Well strategy sets out the priority themes for the effective regulation of health and safety in the workplace. Local authorities can play their part in delivering the strategy with particular reference to the following:

- Tackling ill health – highlighting and tackling the costs of work related ill health
- Managing risk well – simplifying risk management and helping businesses to grow
- Supporting small employers – giving SMEs simple advice so they know what they have to do.

2.3.3 The HSE's detailed plans are contained in their Health and Work strategy and in their 19 sector-specific strategies which are based on industry type and risk profile. These sectors include commercial consumer services, logistics/transport and sports and leisure.

2.3.4 These sectors include businesses as diverse as beauty, retail, hospitality, catering, distribution centres, children's play, swimming and thrill-seeking activities such as bungee jumping and motorised leisure pursuits. Collectively, they account for almost two thirds of the businesses on our database and subject to resources we will deliver a range of interventions to support the HSE's wider strategic themes.

2.4 New business enquiries and inspections

2.4.1 Health and safety legislation does not require new businesses to notify the Council when they start up. The service has an online form which a business can complete instead and there is liaison with the NNDR team where necessary. All planning applications are circulated to officers for review and advice is provided to the applicant where necessary. When new businesses open they are added to the inspection programme on the basis of risk.

2.4.2 Where possible, the first contact with a new business will focus on the provision of compliance advice.

2.5 Health and safety complaints and requests for service

2.5.1 These fall into one of the following broad categories:

- Complaints about unsafe working conditions, practices or equipment
- Complaints about welfare-related issues such as working hours and meal breaks
- Complaints about the lack of suitable training, supervision or instruction for employees
- Adverse Inspection Reports about lifting equipment and pressure vessels

2.5.2 They are investigated in accordance with internal procedures and central guidance.

2.6 Notifiable accidents, injuries, diseases and dangerous occurrences

2.6.1 Investigations are carried out in accordance with relevant guidance and procedures. Enforcement action is in accordance with the Enforcement Policy.

2.7 Licensing and registration

2.7.1 The service works closely with the Licensing Manager and provides technical advice to support the administration of zoo licensing, riding establishments licensing and skin piercing activities.

2.8 Formal notifications

2.8.1 The Council receives formal notifications from specialist engineers relating to lifting equipment; work with asbestos; pressure systems and location of cooling towers. Follow-up work is often required in all these areas to ensure that safe working practices are in place.

2.9 Advice to businesses

2.9.1 The service will maintain a commitment to the provision of advice to new businesses. Where possible, the first contact with a new business will focus on the provision of compliance advice.

2.9.2 The Council supports the philosophy that effective regulation involves working with businesses. Officers will work with businesses to help them to comply with the law and to encourage the use of best practice. This is achieved through a range of activities which include:

- Awareness seminars and targeted mail shots prompted by changes in legislation
- Maintenance and development of the department's web site.
- Provision of training when resources permit
- A periodic business newsletter which contains information about health and safety requirements
- Ad hoc seminars and lectures for schools, trade and voluntary groups

2.10 Health and Safety Partnership Working

2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAP). This is a statutory scheme in which a business can choose to form a partnership with a local authority, and this will affect the way in which they are regulated by all local authorities.

2.10.2 As at December 2016, 15,850 businesses and 181 local authorities were in Primary Authority partnerships. There are about 60 companies in Huntingdonshire with partnerships. The Council doesn't have any health and safety partnerships but would consider setting up a partnership if approached. Such partnerships can be resource intensive but costs are recovered from the business partner.

2.10.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanism is the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group.

2.11 Enforcement Policy

2.11.1 Huntingdonshire District Council has signed up to the Enforcement Concordat and supports the principles laid down in the Regulators' Code.

2.12 Smoke-free Implementation

2.12.1 Smoke-free enforcement work has now become integrated into routine inspection activity and in response to specific complaints.

2.12.2 Since 1 April 2016 officers responded to 6 complaints and enquiries about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits of which there have already been almost 800.

3.0 RESOURCES

3.1 Staffing

3.1.1 The Operational Manager (Business) is responsible for the overall management of the service which is delivered by six officers in the Business Team. Administrative support is provided by the Business Support Team.

| | 2017-18 |
|---|----------------|
| Environmental Health Officers | 0.513 |
| Environmental Health Enforcement Officers | 0.271 |
| Operational Manager (Business) | 0.15 |
| | 0.934 |
| Business Support staff | 0.16 |
| TOTAL | 1.094 |

3.1.2 These figures represent the proportion of the establishment posts which is allocated to health and safety activity. Historically this has been 20% but is expected to be 15% based upon 2016 data.

3.2 Financial

| | 2016-17 | 2017-18 |
|--|------------------------|-----------------------|
| Direct Costs | | |
| Employees | £79,614 | £55,731 |
| Other (Legal fees, sampling, equipment etc.) | £10,028 | £1,308 |
| Overheads | £22,063 | £14,380 |
| TOTAL | <u>£111,705</u> | <u>£71,419</u> |

3.2.1 The overall budget for 2017-18 is 36% less than in 2016-17. This is largely attributable to a reduction in the proportion of staff resources allocated to health and safety. The ways in which internal recharges and overheads are calculated has also been reviewed since 2016-17 and there are no longer specific budgets for legal fees, laboratory services and subscriptions.

3.2.2 The business support workload includes the production of post-inspection letters, data entry to Flare, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE and CIEH returns and internal monitoring.

3.3 Competency and Professional Development

- 3.3.1 All members of staff are involved in a staff review and development process with annual appraisals and six-monthly reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each contributes to the training programme.

- 3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of competence. During 2017-18 they will have access to any training which is necessary to maintain their competence and level of authorisation.

4.0 QUALITY ASSESSMENT

4.1 The following methods are used to assist with the quality assessment of the service:

- Standard Operating Procedures
- Periodic benchmarking and peer review exercises
- Review of post-inspection paperwork
- Periodic assessment of competencies
- Accompanied visits
- Regular team meetings
- Review of officers' personal work plans
- Annual performance appraisal and development interviews
- County-wide working groups addressing specific issues, consistency of enforcement

5.0 REVIEW

5.1 Review of Performance

- 5.1.1 The Health and Safety Executive (HSE) has issued guidance to all local authorities. This requires them to review their performance in order that any variances from the requirements of the Service Plan can be identified.
- 5.1.2 The service was not fully staffed during the year. One officer was on sick leave for about six weeks and then took up a position at another local authority in March leaving a vacant post

5.2 Formal Enforcement Action

- 5.2.1 The Health and Safety at Work Enforcement Policy Statement states that a graduated approach to enforcement will be adopted and that in the first instance duty holders will be given the opportunity to discuss and remedy problems before action is taken. In order to determine the best course of action, an officer will assess the degree of risk, the severity of the offence, the technical means by which the contravention can be remedied, together with the known compliance history of the duty holder. The most appropriate enforcement option must always be governed by the particular circumstances of the case.
- 5.2.2 In most cases, compliance is secured by informal means, most commonly by letter. However, it is sometimes necessary to use formal methods. Two improvement notices were served for significant breaches of health and safety requirements. Table 3 compares the level of enforcement activity with the two previous years.

Table 3 – Enforcement Action

| | 2014-15 | 2015-16 | 2016-17 |
|--|---------|---------|---------|
| Total number of inspections, visits and revisits | 172 | 99 | 95 |
| Number of letters | 104 | 42 | 84 |
| Improvement notices | 8 | 2 | 2 |
| Prohibition notices | 6 | 1 | 0 |
| Simple cautions | 0 | 0 | 0 |
| Prosecutions | 0 | 0 | 0 |
| Health & Safety complaints and service requests | 66 | 38 | 75 |

| | 2014-15 | 2015-16 | 2016-17 |
|------------------------|---------|---------|---------|
| Accident Notifications | 82 | 68 | 85 |

5.2.3 The number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high risk premises. The number of letters includes all written notifications to employers, whether or not there were contraventions of health and safety requirements. Of the 84 reported, 23 related to breaches of health and safety requirements.

5.3 A Review of the Service Plan

5.3.1 Section 5.4 of the 2016-17 Service Plan contained the plan of work for the year. The following is a summary of that work.

5.3.2 Several groups of premises were visited in order to assess the management of risks associated with the following

- Work-related dermatitis
- Fork lift trucks
- Work at height

No enforcement action was necessary.

5.3.3 “Matters of Evident Concern” (MEC) are significant breaches of health and safety requirements that are identified during the course of other activities. These include electrical and gas safety hazards, slip and trip risks and unguarded equipment and 23 have been recorded.

5.3.4 Proactive inspections can be carried out if a food hygiene inspection and a health and safety inspection are both due in the same year. At 1 April 2016 there were 16 such premises: 9 have been inspected and 5 have ceased trading.

5.3.5 Of the 85 incidents reported to date, 24 have been investigated. These included 3 prescribed work-related diseases and an incident in which someone was hit by a moving horse carriage and sustained life-changing injuries.

5.3.6 Increasing compliance support for new businesses – provision of a bespoke health and safety business card to signpost employers to relevant sources of information.

5.3.7 Increase the coverage of health and safety at work issues in the newsletter – the latest edition of the newsletter contains several health and safety articles.

5.4 Plan of work for 2017-18

5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2, the National Local Authority Enforcement Code and the HSE’s Help GB Work Well Strategy.

- 5.4.2 Whilst we recognise the need to work in accordance with national guidance we will also honour the Council's long standing commitment to provide support for businesses and this will be reflected in this year's plan of work. Where possible and according to risk, the first contact with a new business will focus on the provision of advice to achieve compliance.
- 5.4.3 Proactive inspections of existing premises can be carried out where a food hygiene inspection and a health and safety inspection are both due in the same year. These are identified in Table 4 below.

Table 4 Summary of 2017-18 Joint Inspection Work Plan

| Premises for joint H&S and food inspection | Justification HSE - LAC 67-2 (not all will be present in every premises) | Justification Local Intelligence | Intervention | Numbers of premises identified |
|---|---|---|--|--------------------------------|
| wet sale pubs | Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos Violence | MEC data – 25% falls , 25% electrical (possibility of live bands) Where the premises has had no H&S inspection for >5 years, carry out full inspection | Target for both food and H&S proactive inspection Provide information on resources available on these topics. | 15 |
| Hotels | Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos | MEC data Where the premises has had no H&S inspection for >5 years, carry out audit or inspection of relevant matters | Target for both food and H&S proactive inspection Provide information on resources available on these topics. | 10 |
| Takeaways and restaurants that have not had H&S activity in last 5 years – that contain hazards from the HSE list | Gas safety CO beverage gases, | MEC data Mixers – Electrics Pressure vessels | Target for both food and H&S proactive inspection | 14 |

| | | | | |
|----------------------------|--|-----------------------------------|--|----|
| New catering business | Gas safety, CO beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos violence | Corporate plan – support business | Offer new business support visit information on resources to control these risks | 60 |
| New skin piercing premises | Joint working | Joint working with Licensing team | Inspection by appointment provision of resources to achieve compliance and public safety | 20 |

5.4.4 The work will be a mixture of conventional inspections and targeted interventions which will focus on the priority sectors and activities identified in the HSE Code together with support for the HSE’s wider strategies. Examples of those areas of work, relevant to HDC include the following and are summarised in Table 5 below:

- 5.4.4.1 The management of manual handling activities and the prevention of musculoskeletal disorders.
- 5.4.4.2 The management of risks at motorised leisure activities and large scale public events.
- 5.4.4.3 The management of risks at animal visitor attractions
- 5.4.4.5 The management of risks at industrial retail and wholesale premises
- 5.4.4.6 The management of risks at high volume warehousing and distribution premises
- 5.4.4.7 The management of risks associated with the use of solid fuel cooking equipment at catering premises

Table 5 Summary of Health & Safety Project Workplan

| Priority Outcome | Regulatory | Action | Reason | Activity | Time Allocated (hours) |
|---|------------|--|--|--|------------------------|
| Management of risks associated with the use of solid fuel cooking equipment at catering premises and the fire risk associated with extract systems. | | <ol style="list-style-type: none"> 1. Article in newsletter 2. Joint inspection of food premises to identify matters of evident concern 3. Provision of advice to new businesses either face-to-face or supply of written material. | <ol style="list-style-type: none"> 1. National Priority 2. Local food businesses with relevant equipment | <ol style="list-style-type: none"> 1. Education and Awareness 2. Proactive inspection 3. Non-inspection interventions | 225 |
| Environmental swabbing of surfaces on gym equipment and water sampling from showers, spa pools and similar | | <ol style="list-style-type: none"> 1. Collaborative working with One Leisure 2. Promotion of service 3. Delivery between June and November 2017 | <ol style="list-style-type: none"> 1. Support for national priority (PHE Study 61) | <ol style="list-style-type: none"> 1. Proactive sampling at One Leisure and private facilities 2. Provision of education | 50 |
| Visits to relevant sites to assess the management of risks associated with underground LPG pipework | | <ol style="list-style-type: none"> 1. Proactive visits to relevant premises 2. Update LLARD database and report back to HSE | <ol style="list-style-type: none"> 1. Support for national strategy | <ol style="list-style-type: none"> 1. Review of HSE's LLARD database 2. Identification of relevant premises | 20 |

| | | | | |
|---|---|---|--|-------------------------|
| <p>Reactive Health & Safety work in response to emerging MEC and MPMC</p> | <p>Undertake a review of premises operating water sports activities</p> | <p>1. In response to a fatal accident investigation, and results of the Coroner's Inquest</p> | <p>1. Review of registered premises 2. Identification of relevant premises 3. Provision of information and informal inspection</p> | <p>To be determined</p> |
| <p>Reactive Health & Safety work in response to emerging MEC and MPMC</p> | <p>Undertake a review of zoo licensed, and dangerous wild animal licensed premises</p> | <p>1. In response to a fatal accident investigation</p> | <p>1. Review of registered premises 2. Identification of relevant premises 3. Provision of information and informal inspection</p> | <p>To be determined</p> |
| <p>Reactive Health & Safety work in response to emerging MEC and MPMC</p> | <p>Depending on situation 1. Proactive visits to/dialogue with relevant premises.</p> | <p>1. Response to local or national issues affecting H&S</p> | <p>Any of above as considered appropriate to the situation</p> | <p>tbc</p> |

Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

| | |
|-----------------------------|---|
| Title: | Service Plan for Food Law Enforcement 2017-18 |
| Meeting/Date: | Licensing and Protection Committee – 5 July 2017 |
| Executive Portfolio: | Executive Councillor for Housing and Regulatory Services - Cllr Ryan Fuller |
| Report by: | Head of Community – Chris Stopford |
| Ward(s) affected: | All |

Executive Summary:

Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement functions within the district. The Food Standards Agency (FSA) is the Central Competent Authority and National Regulator for food safety and hygiene issues within England and it requires every local authority (food authority) to outline how it will fulfil its duty to deliver official food controls within the district. The arrangements detailing how and at what level the official controls will be delivered must be laid down in the form of a Service Plan for Food Law Enforcement ('Service Plan'), and approved by the Council.

Guidance on the content of the Food Enforcement Service Plan is contained within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.

The food safety and hygiene enforcement function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that enforcement function will be delivered. It also details the resources required to deliver it, together with a review of the previous year's performance.

Recommendation(s):

Members are requested to:-

1. Approve the 'Service Plan for Food Law Enforcement 2017-18' in accordance with the Council's Constitution;

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Food Law Enforcement Service Plan 2017-18 to the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.
- 1.2. The Council's Constitution allows the Licensing and Protection Committee to consider and approve Service Plans.

2. WHY IS THIS REPORT NECESSARY?

- 2.1. Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement within the district. The Food Standards Agency (FSA), as the England's Central Competent Authority and National Regulator for food safety and hygiene requires every local authority to outline how it will fulfil its duty to deliver official food controls within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Service Plan, specifying how and at what level the official controls will be delivered. This requirement is formalised within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.
- 2.2. The food safety and hygiene function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.
- 2.3. The Business Team is a part of the recently restructured Community Division. The leadership and composition of the team continues to take shape as the restructure is embedded and recruitment to the final vacant post is finalised.

3. OPTIONS CONSIDERED

- 3.1. The service has considered the requirements of the FSA Framework Agreement, the Corporate Plan 2016-18 and the predicted 2017-18 figures based upon work delivered since 1 April 2016.

4. KEY RISKS

- 4.1. A failure to produce a Service Plan could invite criticism from the Food Standards Agency which, as the central competent authority, oversees local authorities' food law enforcement activities. This in turn may lead to contact from the FSA's Local Authority Audit team.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be delivered alongside the Business Team's other core functions of health and safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1. Service Plans support the Council's Corporate Plan and contribute to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1. The FSA has a key role in overseeing official food controls undertaken by local authorities. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations.
- 7.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the FSA recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3. This plan replaces the 2016-17 Service Plan and builds upon the aim of providing support for local business. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the previous service plan and to identify areas for improvement.
- 7.4. The authority has a duty to comply with the Framework Agreement. These duties include requirements for the planning, management and delivery of the local food law enforcement service

8. RESOURCE IMPLICATIONS

- 8.1 The budget for 2017-18 is 9.4% lower than for 2016-17. This is largely attributable to the revised methods of calculating internal recharges and overheads.

9. OTHER IMPLICATIONS

- 9.1. The FSA expects local authorities to carry out official controls in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Service Plan will meet those expectations.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1. Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. The Provisional Plan presented to Committee in March has been reviewed and updated to ensure that the service can deliver its statutory function within approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 – Service Plan for Food Law Enforcement 2017-18

CONTACT OFFICERS

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Head of Community
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Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002

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COMMUNITY DIVISION

**SERVICE PLAN FOR
FOOD LAW ENFORCEMENT
2017-18**

**Drawn up in accordance with the
Food Standards Agency Framework Agreement**

July 2017

INTRODUCTION

This is Huntingdonshire District Council's seventeenth Food Safety Service Plan. It covers all the elements of food safety and hygiene for which the Council has statutory responsibility.

The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its *Framework Agreement on Official Feed and Food Law Controls by Local Authorities, 2010, Amendment number 5*. One of the FSA's aims is to make Local Authorities' delivery of official controls effective, risk-based, proportionate and consistent.*

This Service Plan outlines how Huntingdonshire District Council will deliver official food law controls in 2017-18. Any references to work delivered in 2016-17 are based upon actual data recorded for that period. The references to programmed work for 2017-18 are based on the database at 1 April 2017.

* *Framework Agreement on Official Feed and Food Law Controls by Local Authorities, 2010, Amendment number 5*

Chris Stopford
Head of Community

EXECUTIVE SUMMARY 2017-18

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and consumers to secure the production, distribution and service of safe and wholesome food within Huntingdonshire. The plan is linked to Huntingdonshire District Council's Corporate Plan 2016-18.

These are the key objectives which contribute to the overall aim.

- Planned and reactive inspections of registered and approved food establishments
- The investigation of service requests and complaints relating to food and food premises
- Where necessary, the submission of samples of food and water and environmental swabs for analysis
- The investigation of cases and outbreaks of food-borne and food poisoning illnesses.

Table One: Comparison of resources for 2016-17 and 2017-18

| STAFF (Full Time Equivalent (FTE)) | 2016-17 | 2017-18 |
|---|------------------------|--------------------------|
| Environmental Health Officers (EHO)* | 2.75* | 2.905* |
| Environmental Health Protection Officers (EHPO)* | 1.45 | 1.54 |
| Operational Manager (Business) | n/a | 0.35 |
| Commercial Team Leader | 0.50 | n/a |
| | 4.70 | 4.795 |
| Business Support Staff | 1.17 | 1.17 |
| Total | 5.87 | 5.965 |
| | | |
| FINANCIAL | 2016-17 | 2017-18 |
| Direct Costs (salaries, NI and pensions) | £264,329 | £292,839 |
| Overheads (FLARE, Printing, Admin Support Central Support) | £166,050 | £107,059 |
| Other Direct costs (specialist equipment, laboratory services and sampling) | £6,530 | £5,100 |
| Total | <u>£436,909</u> | <u>£404,998</u> |
| Income (Primary Authority Partnership, export certificates, delivery of training courses) | <u>-£13,880</u> | <u>-£21,675</u> |
| NET EXPENDITURE | <u>£423,029</u> | <u>£383,323**</u> |

* These figures represent the proportion of the establishment posts which is allocated to food law enforcement. Historically this has been 80% but is expected to be 85% based upon 2016 data.

** The overall budget for 2017-18 is 9.4% lower than for 2016-17. This is largely attributable to the revised methods of calculating internal recharges and overheads. See section 4.1 for a detailed breakdown of these figures.

Table 2 – Programmed (proactive) Activity

| Proactive Tasks | Level of activity | |
|--|--|----------------------|
| | Actual 2016-17 | Predicted 2017-18 |
| Planned food hygiene inspections (risk group A-D, in addition to those below) | 408 | 444 |
| Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders) | 74 | 229 |
| Revisits | 64 | 100 |
| Inspections of new food businesses | 125 | 130 |
| Visits to Approved Establishments | 9 | 8 |
| Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training* | 6 | 10 |
| Other proactive visits (food, water and environmental samples/advisory) | 296 | 220 |
| Prosecutions | 2 | 2 |
| Formal action (service of notices) | 18 | 20 |
| Food safety and public health promotion | Ad hoc project work linked to corporate objectives; targeted business support visits; provision of advice during routine interventions; National Food Hygiene Rating Scheme (FHRS); alternative enforcement strategies for low risk businesses and newsletters | |

*Each activity is charged to Cambridgeshire Catering and Cleaning Services (CCS) in accordance with the agreed cost recovery arrangements.

Table 3 – Unplanned (reactive) Activity

| Reactive Tasks | Level of activity | |
|---|-------------------|-------------------|
| | Actual 2016-17 | Estimated 2017-18 |
| Service requests/ complaints about food and food businesses | 642 | 650 |
| Food, water and environmental samples taken | 126 | 100 |
| Infectious disease control - notifications of food-borne/food poisoning illnesses | 81 | 80 |
| FSA Food Alerts for Action | 2 | 2 |

The administrative support workload includes producing post-inspection letters; data entries to Flare and Anite; taking and recording enquiries and service requests; collating data on infectious diseases; and collating information for the Food Standards Agency.

A balanced programme of work is proposed for 2017-18 which incorporates a full range of official food controls. Due to the nature of the service some interventions are carried out during evenings and weekends. The plan is based upon the service being fully staffed.

DEVELOPMENT PLAN 2017-18

The following developments are planned during 2017-18. This work is in addition to the proactive and reactive work identified in tables 2 and 3. It is linked to the objectives and outcomes identified in the Corporate Plan and any regional or national strategies.

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings
- The delivery of a programme of training courses to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners
- To expand the Primary Authority Partnership Scheme to include other businesses
- Maintain collaborative work with our key partners and fellow regulators
- To promote the service as widely as possible using all available media outlets
- To support any relevant national strategies such as the FSA's National Food Safety Week
- Continue to review the basis upon which complaints and service requests are investigated
- Maintain commitment to the provision of business support and compliance advice to new businesses
- Monitor implementation of the FSA's "Regulating our Future" strategy and to review service delivery accordingly
- To investigate the Healthier Options Project to explore its potential for improving healthy eating choices in the Huntingdonshire District Council area.
- To undertake a sampling programme to assist in the planning of our targeted intervention strategy
- To engage with the better business for all partnership and explore synergies to develop the food safety service plan further in 2018/19

SECTION 1: FOOD SAFETY SERVICE - AIMS AND OBJECTIVES

1.1 Aims and Objectives

The overall aim of the service is to ensure that food placed or intended to be placed on the market for human consumption which is produced, stored, distributed, handled or purchased within Huntingdonshire is without risk to public health or the safety of the consumer. There are several key objectives which contribute to the delivery of the overall aim.

- The delivery of a programme of inspections and other interventions in accordance with the FSA's Code of Practice
- To respond to complaints and requests for service in accordance with any internal service standards
- To respond to any FSA Food Alerts For Action (FAFA) subject to available resources

1.2 Links to Corporate Objectives and Plans

The Service Plan supports the Council's Corporate Plan 2016-18. It contributes to several of the Strategic Objectives, with particular reference to the following:

Create, protect and enhance our safe built environment – dealing with significant breaches of food safety requirements which have the potential to put the public at risk

Develop more resilient communities to help people help themselves – the provision of information and advice to businesses and to the wider public

Accelerate business growth and remove barriers to growth – the provision of compliance advice to new and emerging businesses in order to help them “get it right first time” (see 3.5); expansion of the primary authority scheme to include new businesses, aiding compliance, issuing assured advice and encouraging economic growth

Become a customer focused organisation – dealing with new businesses in an advisory and educative way in order to build sustainable and trusting relationships at an early stage (see 3.5)

SECTION 2: BACKGROUND

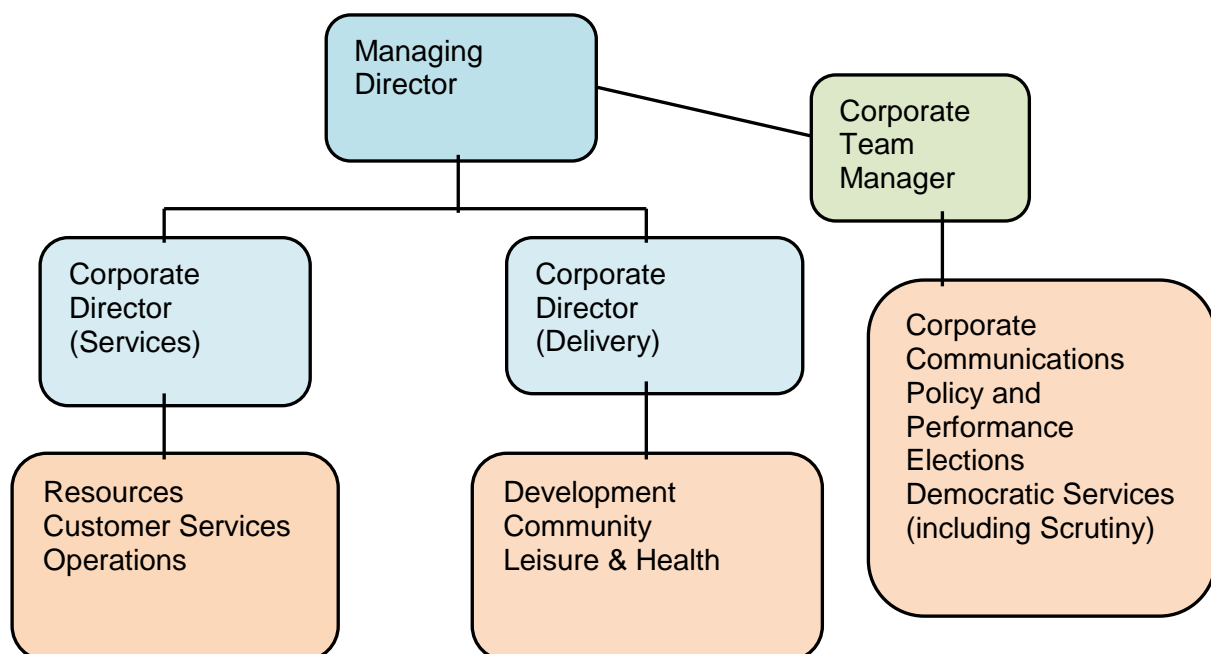
2.1 Authority Profile

- 2.1.1 Covering almost 360 square miles and situated in the valley of the Great Ouse, the District of Huntingdonshire forms the most westerly part of Cambridgeshire. It is the largest district in the County by both land area and population. The population is 173,600 and is forecast to grow to around 210,000 by 2036.
- 2.1.2 The employment rate in the district is 82.4% with 84.2% of people being economically active. The main centres are the market towns of Huntingdon, St Neots, St Ives, Yaxley and Ramsey.

2.2 Organisational Structure

- 2.2.1 The food safety service is one of the services provided by officers within the Business Team which in turn is part of the Community Division. The Business Team is one of the teams which reports to the Head of Community.
- 2.2.2 Through the Council's Scheme of Delegation the food safety service has delegated responsibility for food safety enforcement and the Head of Community has the authority to instigate legal proceedings according to the Council's Constitution. The Council's current structure is shown in Figure 1.

Figure 1: Huntingdonshire District Council's Organisational Structure



- 2.2.3 The Operational Manager (Business) is responsible for the operational management and co-ordination of the food safety service and also fulfils the statutory role of Lead Food Officer.

2.2.4 There are seven officers in the Business Team with specific responsibility for the delivery of the food safety service. The Operational Manager (Business) is supported by a team of Environmental Health Officers and Environmental Health Protection Officers. The team is also responsible for health and safety regulation and for the regulation of the smoking in public places legislation. The staffing resources allocated to the food safety service are shown in Table 4 below. Data for calendar year 2016 indicates that about 85% of officers' time is spent on food safety activities and this is reflected in the figures shown in brackets.

Table 4: Food Safety Service resources

| Post | Duties and Responsibilities |
|--|---|
| Operational Manager (Business) – full time | The Council's Lead Food Officer. Operational management of the team and development of the annual Service Plans. Senior technical advisor on food safety, health and safety and licensing matters within the service area. Contributes to the corporate management of the Community Division. (0.35 FTE) |
| Environmental Health Officer – full time | Proactive and reactive food safety work. (0.85 FTE) |
| Environmental Health Officer – full time | Proactive and reactive food safety work. (0.85 FTE) |
| Environmental Health Officer – part time | Proactive and reactive food safety work. (0.78 FTE) |
| Environmental Health Officer – part time | Proactive and reactive food safety work. (0.43 FTE) |
| Environmental Health Officer/ Environmental Health Protection Officer – full time | Proactive and reactive food safety work. (0.85 FTE) NB – post currently vacant |
| Environmental Health Protection Officer – part time | Proactive and reactive food safety work. (0.69 FTE) |
| | Total of 4.8 FTE Officers NB – this is slightly up from 4.7 FTE in the 2016-17 Service Plan |

2.2.7 The service uses several agencies and companies to support the delivery of official food controls. These are summarised in Table 5 below.

Table 5: Provision of External Services

| Name of Organisation | Type of Service | Frequency of Service |
|---|---|-----------------------------|
| Public Health England (PHE), Thetford and Colindale. | Microbiological food and water sampling and advice on infection and disease control | As required |
| Anglian Water, Huntingdon | Chemical and microbiological water sampling | Ad hoc |
| Campden BRI | Food and foreign body/contaminant examinations and identifications | Ad hoc |
| Chartered Institute of Environmental Health (CIEH) | Information and advice. Materials for food hygiene courses | Ad hoc |
| Food Standards Agency (FSA) | Monitoring of performance, Information and advice | Ad hoc |

2.3 Scope of the Food Service

The food safety service consists of the following elements

- Food safety advice and enforcement, proactive and reactive, including interventions, inspections, requests for service and working with businesses, including event organisers, other regulators and members of the public
- Provision of health certificates for exported foods
- Investigations and control of food poisoning and food-borne disease and other relevant infections as a result of information from businesses, members of the public and at the request of the Consultant in Communicable Disease Control (CCDC)
- Responding to food alerts and requests for action from the Food Standards Agency
- Sampling of food and water supplies
- Working with the People Team to investigate complaints about refuse, drainage and odour nuisance associated with food businesses
- Consultee for premises licences and planning applications.

2.4 Demands on the Food Service

2.4.1 There were 1479 food businesses on the database at 1 April 2017. This figure includes home-based cake-making businesses, child-minders and businesses based outside of the district but which trade within it. It does not include businesses which only trade occasionally or temporarily within the district such

as at Continental Markets or at events such as the Secret Garden Party. The breakdown of businesses by type according to the Food Standards Agency (FSA) classification is shown in Table 6.

Table 6: Breakdown of food businesses in Huntingdonshire by FSA classification

| | |
|--|------|
| Primary Producers (e.g. farms) | 35 |
| Manufacturers/Packers | 44 |
| Importers | 1 |
| Distributor/Transporters | 42 |
| Food Retailers | 263 |
| Caterers – restaurants, cafes, hotels, mobile traders, pubs, clubs and takeaways | 1045 |
| Outside district | 49 |
| Total | 1479 |

2.4.2 Food businesses are inspected according to their inspection rating category. The highest risk businesses (category A) must be inspected at least every 6 months whereas the lowest risk businesses (category E) can be monitored using alternative enforcement approaches. New businesses are classified as “Unrated”. The breakdown of premises by inspection rating category is shown in table 7 below.

Table 7: Breakdown of food premises by inspection rating category

| | A | B | C | D | E | Unrated |
|------------------|----|----|-----|-----|-----|---------|
| As at 31/03/2016 | 13 | 53 | 268 | 427 | 552 | 129 |
| As at 31/03/2017 | 3 | 47 | 266 | 445 | 529 | 105 |

2.5 Approvals and Specialist/Complex Processes

2.5.1 Food hygiene regulations require certain premises which handle food products of animal origin to be approved by virtue of their nature, scale or complexity. Within Huntingdonshire there are eight approved premises: three approved for meat products; three approved for egg packing; one approved as a cutting plant; one for smoked fish; and one as a cold store.

2.5.2 There are also businesses that use complex equipment such as vacuum packing machines and businesses carrying out complex processes such as sous-vide, cook-freeze and the curing of meat products. Suitably qualified and trained officers carry out interventions in businesses associated with specialist and complex processes and equipment.

2.6 Delivery of the Service

2.6.1 The Business Team is based on the first floor of Pathfinder House, St Mary's Street, Huntingdon. Customers can contact officers in the following ways:

- In person or by telephone between 9am and 5pm Monday to Thursday, 9am and 4.30pm Friday (01480 388302)
- By fax on 01480 388361
- By email: EnvHealth@huntingdonshire.gov.uk or food@huntingdonshire.gov.uk
- Advice and information about good practice and the service is available on the Council's website.

Officers are not on standby outside office hours but arrangements have been made with the FSA, Cambridgeshire Police and Public Health England so that officers can be asked to respond to major incidents and emergencies during evenings and weekends.

2.6.2 The following factors can have an impact on the delivery of the Service Plan:

- An outbreak of food poisoning or a work-related death.
- There are several outdoor events during the course of a year which involve food safety, water and health and safety considerations, the most significant of which is the Secret Garden Party. Preparation for the 2016 event began in July 2015 and accounted for 80 hours of officer time.
- Officers may have to respond to FSA Food Alerts for Action. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain.
- The restructure of the Community Division has placed considerable demands on the service. Attendance at meetings, reading documents and the preparation of responses to the Formal Consultation Document have already accounted for almost 250 hours of officer time.
- There are two food businesses which regularly export food products to countries outside the EU. These products require a Health Certificate and additional checks may need to be carried out before the certificate is issued. 86 certificates have been issued.
- The implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements have resource implications for the service

2.7 Enforcement Policy

- 2.7.1 Huntingdonshire District Council has signed up to the Enforcement Concordat and follows the principles laid down in the Regulators' Code. The Food Safety Enforcement Policy has been approved according to the Council's Constitution.
- 2.7.2 In order to promote consistent and proportionate enforcement the service is an active member of Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group. The Operational Manager (Business) represents the council at those meetings and subgroups can be set up to develop specific enforcement protocols and peer review models.

SECTION 3: SERVICE DELIVERY

3.1 Delivery Mechanisms

3.1.1 There are four key drivers which contribute to the service outlined in Section 1. In broad terms they are as follows.

- **Intervention driven:** work which is largely determined by the FSA Food Law Code of Practice. In the main this consists of programmed inspections and interventions at frequencies prescribed by the Code of Practice together with revisits and enforcement action in accordance with the Enforcement Policy
- **Demand driven:** work in response to complaints and requests for advice and guidance; investigation of food poisoning notifications; responses to FSA Food Alerts (in particular those which require action); and liaison with other Council services in support of wider corporate objectives
- **Intelligence driven:** responses to credible or verifiable information which suggests a risk to public health
- **Education driven:** the provision of advice, education and support to businesses and consumers; supporting national campaigns and strategies which are in the interests of public health and/or consumer safety (e.g. Food Safety Week).

3.1.3 Each officer has been allocated a specific geographical area which contains a diverse range of food businesses. The number and type of businesses is consistent with the officer's knowledge and experience. There is a "buddy" system in place to ensure that at least two officers have some knowledge of specialist or unusual businesses.

3.2 Interventions at food businesses

3.2.1 These consist of the "official food controls" specified in the Code of Practice together with any other activities where the purpose is to monitor compliance with food hygiene law. At the time of writing there are almost 700 businesses that will require some sort of intervention during 2017-18.

3.2.2 Unannounced full inspections are carried out at businesses in categories A and B. Category C premises will be assessed using a mixture of full and partial inspections: where possible partial inspections will be used for those with the best inspection history. Category D premises will be assessed using partial inspections and other official controls such as food sampling, surveillance visits and audits. The Code of Practice allows local authorities to use Alternative Enforcement Strategies (AES) for category E businesses.

3.2.3 Category E businesses are suitable for AES approaches which typically involve the completion of a self-assessment questionnaire by the business. Of the businesses due for an intervention in 2017-18, 234 are in category E.

3.2.4 There are approximately 260 businesses on the database at which the nature of the operation is either temporary, so low as to present little or no public health risk or unlikely to be viewed as a food business by the general public. These premises cannot be removed from the database but are excluded from the scope of the Food Hygiene Rating Scheme. The available resources mean it is

very unlikely that they will be inspected but they may be captured by AES approaches or visited in response to complaints.

- 3.2.5 The planned inspections in Table 2 do not include inspections of brand new businesses or those which change hands during the year. Nor do they include inspections of temporary or occasional businesses at markets, fairs or large public events. There could be as many as 200 unplanned interventions in 2017-18.
- 3.2.6 It is estimated that about 25% of inspections will require some follow up action to check compliance. This could mean up to 150 revisits.
- 3.2.7 The frequency at which businesses must be inspected is outlined in Annex 5 of the Code of Practice and this information is also used to determine the Food Hygiene Rating Scheme (FHRS) score. The FHRS is operated in accordance with the FSA Brand Standard. Businesses can appeal against their rating and can also request a rescoring visit (subject to the payment of the fee) after the inspection upon which their rating was based. There have been 20 re-score requests, 10 other enquiries and one appeal. At least as many should be anticipated in 2017-18.
- 3.2.8 All officers who carry out official food controls are authorised in accordance with the Code of Practice.
- 3.2.9 Officers will also carry out spot checks at businesses if they have concerns or intelligence about the business or about a specific activity within a business. The outcome of a spot check may affect future planned inspections of the business.

3.3 Complaints

- 3.3.1 These generally fall into one of the following categories:
- Complaints about the food premises themselves (e.g. poor staff hygiene, allegations of pests, poor standards of cleanliness)
 - Complaints about the condition or contamination of food (extraneous matter, mould, dirty containers)
 - Complaints about food labelling and food information ('use by' dates and allergen information).
- 3.3.2 Based on previous years it is estimated that there will be about 200 such complaints in 2017-18. Table 3 shows the total number of food-related service requests, complaints and queries, the numbers of which have increased steadily over the last few years.

3.4 Primary Authority Scheme

- 3.4.1 The service supports the Primary Authority Scheme and the Council has one partnership with Cambridgeshire County Council's School Meals Service.
- 3.4.2 The partnership was established in August 2013. It was agreed that the Council would provide a maximum of 100 hours of support per year and that the cost

would be recovered in accordance with published guidance. In 2016-17 the service provided 60 hours of support, generating over £3,000.

3.4.3 In line with corporate priorities to support local businesses, further opportunities to develop the primary authority scheme will be pursued. There is interest from another local business to enter into a partnership agreement which is expected to generate a significant amount of work in the latter part of the year.

3.5 Advice to Businesses

3.5.1 Officers provide information and advice to businesses to help them comply with the law and to encourage the use of best practice. This is part of our enforcement policy and is achieved through a range of activities including:

- Advice to new businesses
- Advice during the course of inspections and other visits
- Targeted business support visits to poor performing businesses
- Site visits on request and where appropriate (e.g. prior to the opening of a brand new business)
- Proactively contacting businesses to comment on plans at the planning application stage
- Proactively contacting businesses to comment on applications for premises and temporary licences
- Targeted mail shots about legislative and policy changes and in response to FSA food alerts for action
- Twice yearly publication and distribution of a food and safety newsletter to all businesses
 - Maintenance and development of the website with links to the Food Standards Agency's website.

3.5.2 These activities are integrated into the service's general interventions and food safety promotion functions. There were 272 requests for advice and training last year and it is expected that there will be at least as many in 2017-18.

3.6 Food and Environmental Sampling

3.6.1 Sampling is a recognised official food control. In 2017-18 the commitment to sampling will continue and where possible it will be used as an alternative to carrying out a full inspection, especially at category D premises.

3.6.2 Public Health England (PHE) doesn't charge for the analysis of samples. In 2004 an MTP bid was approved to cover the cost of sampling in the event that PHE reversed its policy but to date it has not been necessary to release this funding.

3.6.3 All sampling will be carried out in accordance with relevant legislation, the Code of Practice issued under the Food Safety Act 1990 and the departmental Standard Operating Procedure (SOP).

3.7 Control and Investigation of Food-related Infectious Diseases

3.7.1 Officers will investigate food-related infectious disease notifications in accordance with protocols agreed with the Consultant in Communicable

Disease Control (CCDC), Anglian Water and Cambridge Water Company. The general aims of any investigation are to identify the source and cause of the infection and prevent further spread.

3.7.2 There have been 79 food poisoning notifications, 56 of which required an investigation. This compares to 169 notifications (42 investigations) in 2015-16.

3.7.3 The Council has appointed the Consultant in Communicable Disease Control (CCDC) from Public Health England as the 'Proper Officer' under the Public Health (Control of Disease) Act 1984.

3.8 Food Safety Incidents

3.8.1 FSA food alerts for action will be dealt with in accordance with:

- the departmental SOP
- the Food Law Code of Practice issued under the Food Safety Act 1990 and
- any instructions issued by the FSA.

3.8.2 Most food alerts are Product Withdrawal Information Notices or Product Recall Information Notices which require little or no action. There are a significant number of allergy alerts but these too require little or no action or are dealt with by Trading Standards Officers (TSOs). Occasionally TSOs may ask for our support. Food Alerts for Action (FAFA) and ad hoc requests for action may have an impact upon programmed work but the numbers are relatively low.

3.8.3 Given the nature of food alerts, it is impossible to predict the likely demands and requisite resources with any accuracy. If a food alert is associated with a business based within Huntingdonshire then officers will be expected to devote more time to that alert than to one which originates elsewhere.

3.9 Liaison with Other Organisations

3.9.1 The Council recognises the importance of ensuring its enforcement approaches are consistent with those of neighbouring local authorities. Officers have access to the LGA Knowledge Hub and there is dialogue and liaison in a number of settings:

- Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group (CPFOHSMG)
- Cambridge Water Company Liaison meetings
- Anglian Water Liaison meetings
- Flare User Group
- Food Standards Agency regional events
- Public Health England/Environmental Health liaison days
- Chartered Institute of Environmental Health update events

3.9.2 The CPFOHSMG promotes consistency between officers and authorities and where possible produces common policies and procedures. Where appropriate, subgroups can be convened to deal with a specific issue. The membership includes Lead Food Officers from Cambridgeshire and Peterborough as well as

representatives from Public Health England, the Food Standards Agency and Trading Standards.

3.9.3 There is routine liaison and contact with officers from Planning and Building Control, Business Rates, the Fraud Team, Licensing and Legal as well as liaison and consultation with the Town Centre Managers where appropriate.

3.10 Food Safety and Public Health Promotion

3.10.1 Subject to resources, the proposals for 2017-18 include the following:

- FSA Food Safety Week – hygiene promotion targeted at consumers
- Food safety advice and information aimed at local consumers to support any FSA national campaigns
- Promotion of online food hygiene training and provision of CD ROMs
- The delivery of food hygiene training courses and business briefing events
- Promotion of the National Food Hygiene Rating Scheme (FHRS)
- Production of food safety newsletters sent to all businesses on our database
- Ad hoc lectures to schools and community groups upon request
- Seasonal hygiene and food safety linked press releases
- Maintenance and development of relevant information on the Council's website
- Providing support to existing businesses and to new businesses on food safety legislation, compliance and best practice
- Briefing sessions for new and existing food business operators on the implications of new and changing food safety legislation and in response to national events
- Attendance at relevant trade and business seminars to promote the work of the service
- Promotion of Healthier Options to encourage local businesses to offer healthy food choices to customers.

3.11 Food Intended for Export

3.11.1 There are two manufacturing businesses which regularly supply food to non-EU countries and which require an Export Health Certificate for each consignment. These arrangements help the businesses in question but they are not official controls and do place additional burdens on the service. The businesses are charged a fee for each certificate and in 2016-17 this generated about £6,000.

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The budget for 2017-18 is shown in Table 8 below

Table 8: Food Safety Service Budget 2017-18

| Direct Costs | £ |
|--|----------------|
| Employees | |
| Salary (NI, Pension, training) | 286,115 |
| Supplies, transport | 6,724 |
| | 292,839 |
| Other | |
| Materials | 1,000 |
| Postage | 750 |
| Books and Publications | 640 |
| Printing (internal) | 600 |
| Hire of rooms | 600 |
| Corporate Subscriptions | 500 |
| Laundry | 380 |
| Maintenance of Equipment | 250 |
| Equipment | 200 |
| Catering | 180 |
| | 5,100 |
| Overheads | |
| Admin Support | 26,319 |
| Customer Services | 6,734 |
| Finance | 119 |
| Audit and Risk | 39 |
| Corporate Finance (non CM) | 15 |
| Procurement | 12 |
| Central Support | 73,821 |
| | 107,059 |
| Total | 404,998 |
| Income | |
| Costs recovered (Export Certificates, Primary Authority Partnership, delivery of training courses and fees for FHRS re-score visits) | -21,675 |
| Total Expenditure | 383,323 |

- 4.1.2 The overall budget for 2017-18 is 9.4% lower than for 2016-17. This is largely attributable to the revised methods of calculating internal recharges and overheads.
- 4.1.3 The estimated income of £21,675 comprises costs recovered through the Primary Authority Partnership, fees for export certificates and FHRS re-score visits plus income from the delivery of training courses and business briefing events.
- 4.1.4 All officers requesting remote access to the Council network have been allocated a laptop computer (PC) enabling access to databases, word processing, internet/intranet capability, e-mail and spreadsheet packages. All the laptops have been upgraded with remote access to the Council network so that they are available for out-of-office working and wireless enabled for touchdown working in HDC controlled premises.
- 4.1.5 In the event of a serious or major incident or a large outbreak of food poisoning or food-borne illness requiring additional resources, officers from the Business Team will assist in the first instance and if necessary officers can be drafted in from other teams.
- 4.1.6 The sum allocated to legal costs is based upon anticipated demand assessed over previous years, but should it prove insufficient then a request would be made to the Council for extra funds. This hasn't been necessary to date and there are no financial restrictions placed upon legal action, each case being considered on its merits. In the event of enforcement action that would place unforeseen demands on resources, local authorities can apply for financial support from the FSA but this fund is discretionary and may be withdrawn at any time

4.2 Staffing Allocation for the Food Service

- 4.2.1 Food law enforcement and compliance advice activities are provided by officers from the Business Team. The team is led by the Operational Manager (Business) and contains another six authorised officers only three of whom work full time. The team is supported by the Business Support Team.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment

5.1.1 The Operational Manager (Business) is responsible for the overall monitoring of the service. In general terms the service is monitored internally in accordance with Standard Operating Procedure (SOP) CT04. The practical arrangements include the following

- Reviews of premises inspection records in accordance with SOP CT04
- Observed and accompanied inspections
- Periodic reviews of policies and procedures
- Team meetings – programmed work is monitored against targets; reactive work is monitored with reference to management and closure of service requests
- Annual PDR meetings and six monthly review meetings
- Peer review and consistency exercises led by the CPFOHSMG
- Peer review and consistency exercises led by the FSA.

5.1.2 There are several SOPs which cover the different aspects of the service. They were last reviewed in 2014 and will need to be reviewed in 2017-18 to reflect the operational and management changes brought about by the restructure of the Community Division.

SECTION 6: REVIEW

6.1 Review against the Service Plan

6.1.1 The Service Plan is supported by an action plan and performance measures. Progress will be reported to the Head of Community on request and to the Council's Management Team on a regular basis.

6.1.2 Progress will be reported in terms of the following indicators:

- Any agreed performance targets
- Any agreed targeted outcomes
- The Service Plan from the previous year.

6.2 Variations from the 2016-17 Service Plan

6.2.1 The Food Standards Agency Framework Agreement requires every Local Authority to review the previous year's performance against its service plan. The review must identify where the Authority was at variance from the service plan and, where appropriate, the reasons for that variance.

6.2.2 This review details the performance of the food service during 2016-17 and outlines any significant issues that impacted on the delivery of the service.

6.3 Programmed Work

6.3.1 The 2016-17 Service Plan estimated that 530 planned inspections of food businesses would be carried out, 300 of which would be full or partial inspections of premises in categories A, B, C and D. 57 of these premises have since ceased trading.

6.3.2 In 2016/17 408 full or partial inspections, 29 sampling visits and 18 advisory visits were undertaken. All but one of the category A and B premises have been visited and 90% of the category C and D premises have been visited.

6.3.3 9 visits were made to approved establishments which produce and/or handle products of animal origin (including meat-cutting plants, meat products, and egg packers).

6.4 Reactive Work

6.4.1 There were some unexpected and excessive demands on the service. One business was prosecuted and four businesses agreed to close temporarily because of poor conditions which presented a risk to public health.

6.4.2 The commitment to the Food Hygiene Rating Scheme (FHRS) does place unforeseeable demands on the service. Food businesses can request a rescoring visit or can appeal against a rating and the Brand Standard specifies the ways in which those requests must be handled. There have been 20 such requests in 2016-17 each of which generated at least two additional visits.

6.4.3 The service received almost 600 complaints, enquiries and requests for service or advice. One in three related to suspect or contaminated food, unhygienic premises or poor hygiene practices. Just under half were enquiries from existing or potential businesses and the remainder were made up of requests for export certificates, Primary Authority Partnership enquiries and FHRs enquiries.

6.5 The 2016-17 Action Plan

6.5.1 Section 6.6 of the 2016-17 Service Plan contained an action plan for the year. The following tables outline those commitments together with a review of performance.

Table 9 – Promotion and Improvement of the Service

| Commitment | Performance |
|---|--|
| Maintain, review and update the food premises database and include business email addresses so as to improve communication with businesses and identify savings | <i>The food premises database is managed in accordance with Standard Operating Procedure F02. It is updated using information collected during routine interventions, reviewed periodically (via team meetings) and subjected to an annual check prior to the submission of the annual return to the Food Standards Agency. There are about 1500 food business records on the database of which almost two thirds contain an email address. An increasing amount of routine correspondence is sent via email subject to the constraints of any legal processes.</i> |
| Review the basis upon which complaints and service requests are investigated | <i>Complaints and service requests have always been prioritised according to risk but the rising numbers prompted a review of the selection criteria. This should reduce the number of spurious and malicious allegations of food poisoning and there is now greater priority attached to complaints about food that was manufactured or prepared within Huntingdonshire.</i> |
| To promote the service as widely as possible using all available media outlets | <p><i>A variety of social and web-based media were used to promote the Food Hygiene Rating Scheme. Typically these promotions were timed to coincide with Christmas, Mothers' Day, Valentine's Day and Bank Holidays but also to support national strategies such as Food Safety Week. The team has its own Twitter account and regularly submits articles to Key Issues and other council publications.</i></p> <p><i>Other activities include the following</i></p> <ul style="list-style-type: none"> • <i>Officers have taken out members and journalists on routine visits</i> • <i>Coverage on BBC Radio 5live and Radio Cambridgeshire</i> • <i>Articles published in Hunts Post and Environmental Health News</i> • <i>Presentation at the annual CCS Caterers' Conference</i> |

Table 10 – Business Support

| Commitment | Performance |
|---|--|
| The delivery of a programme of training courses to help food businesses comply with food hygiene requirements and to help | <i>Six CIEH Level 2 courses have been delivered and another is planned for March. Four business briefing events – almost 100 people have attended these events and they generated just over £5,000 of income</i> |

| | |
|--|--|
| them achieve the highest possible food hygiene rating for their business | |
| Increase our proactive commitment to the provision of business support and compliance advice to new businesses | <i>Almost 150 new business records have been added to the database since 1 April 2016. 144 visits to these premises and 33 visits or letters to provide advice or support.</i> |

Table 11 – Partnership Working

| Commitment | Performance |
|---|---|
| To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners | <p><i>The partnership is now into its fourth year. The profile of the partnership has been maintained by regular contact with senior CCS staff and with other local authorities and we have issued draft Assured Compliance Advice about how to comply with the requirements for food hygiene training.</i></p> <p>Extending the scheme to other businesses <i>All officers were encouraged to explore opportunities as they arose during the course of routine work but there are no new partnerships to report.</i></p> |
| Maintain collaborative work with our key partners and fellow regulators | <p><i>This is ongoing work through the established networks and groups. Specific examples</i></p> <ul style="list-style-type: none"> • <i>Exchange of information with the Economic Development team to promote the “Invest Huntingdonshire” website</i> • <i>Worked with the FSA to introduce a cost recovery scheme for FHRS rescore visits</i> • <i>Worked with the Department of Business, Energy and Industrial Strategy (BEIS) to trial the Communication for Compliance Project</i> |

Table 12 – Supporting the National Agenda

| Commitment | Performance |
|---|---|
| To support any relevant national strategies such as the FSA’s National Food Safety Week | <i>A variety of social and web-based media were used to promote Food Safety Week and the national “Our Day” project</i> |

6.6 Action Plan for 2017-18

6.6.1 The service is committed to the delivery of “official food controls” in accordance with the Code of Practice in order to fulfil the Council’s role as a food authority. The service will respond to complaints, enquiries and requests for service in accordance with internal procedures and with regard to public health risk.

6.6.2 Subject to resources the service will also make the following commitments to the Council’s corporate aims and objectives.

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings
- Review and update SOPs to take account of the changes associated with the restructure of the Community Division

- Continue to deliver a programme of training courses and briefing events to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- Monitor the FSA's commitment to the introduction of a mandatory requirement for food business to display their food hygiene rating and to introduce appropriate enforcement protocols.
- To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners
- To initiate a further primary authority partnership with a local business and agree an ongoing plan of work to support compliance and business growth
- Monitor the FSA's ideas for the future of food law regulation as contained in the Regulating our Future proposals and respond accordingly
- Maintain collaborative work with our key partners and fellow regulators
- To promote the service as widely as possible using all available media outlets
- To support any relevant national strategies such as the FSA's National Food Safety Week
- To implement the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation, supporting the Healthy Weight Strategy for Cambridgeshire.
- To progress and further develop the 2016/17 sampling strategy to assist in the delivery of our targeted intervention programme.

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Public Space Protection Order- Consultation

Meeting/Date: Licensing and Protection Committee
5th July 2017

Executive Portfolio: Executive Councillor for Housing and Regulatory Services,
Cllr Ryan Fuller

Report by: Head of Community, Chris Stopford

Ward(s) affected: All

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to local authorities to introduce Public Space Protection Orders (PSPOs) to control a range of issues linked to anti-social behaviour, including the control of dogs. The transitional arrangements for the Act mean that all current Dog Control Orders will lapse in October 2017, unless replaced by a new PSPO.

The control of dogs remains a significant issue to the public, consistently featuring as a significant complaints issue.

This report suggests replacing the current Dog Control Orders with a single, District-Wide PSPO which sets out a standard set of proportionate controls which apply across the whole District and a set of additional controls which only apply to specified locations.

The report notes that implementing a new PSPO requires consultation with affected parties and seeks authority to undertake such a consultation exercise. The reports sets out the areas which it is intended to consult upon.

A further report outlining the results of the consultation and, if appropriate, seeking authority to implement a new PSPO will be taken to this Committee at its meeting on 20th September 2017.

Recommendation(s):

The Licensing and Public Protection Committee is recommended to authorise undertaking a consultation exercise on the principles and content of a proposed new Public Spaces Protection Order covering the control of dogs and to receive the results of this consultation at its meeting on 20th September 2017.

1. PURPOSE OF THE REPORT

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 came into effect in October 2014. Among its provisions was the replacement of a series of previously-enacted Orders with a new Public Space Protection Order (PSPO). Among the Orders replaced by the Act are Dog Control Orders.
- 1.2 The transitional arrangements for implementing the 2014 Act allowed existing Dog Control Orders to remain in place for a period of 3 years (i.e. to October 2017) after which time they have to be replaced by PSPOs if local authorities wish to retain the powers to control dogs.
- 1.3 In developing new PSPOs, it is good practice for local authorities to ensure that the control measures proposed are effective, transparent and proportionate and do not place undue restrictions on individuals without good reason. It is also good practice to consult individuals and bodies who may be affected by proposed PSPOs.
- 1.4 This report seeks authority to proceed with a consultation exercise which can be used to inform the principles and detail of a new Public Spaces Protection Order for the control of dogs.

2. WHY THIS REPORT IS NECESSARY

- 2.1 Although it is recognised that the vast majority of dog owners are responsible and control their pets appropriately, the control of dogs remains an issue of concern to the public. The Council has received over 1,000 complaints related to dog control over the past 2 years. These have included reports of stray dogs, dogs off leads, dog fouling and dangerous dogs. This indicates that the Council requires the means to control these issues and to take appropriate enforcement action should this be necessary.
- 2.2 As noted above, good practice dictates that proposed PSPOs are proportionate to the problems being experienced and contain conditions which are likely to be effective without placing undue restrictions on the general public who are going about their legitimate business without causing concern or anti-social behaviour. Good practice also dictates that appropriate consultation takes place with those who may be affected.
- 2.3 This report sets out a draft set of principles for a new PSPO, outlines a series of potential control measures which could be included in a new PSPO and describes the consultation process which will be followed in allowing the Committee to determine whether a PSPO is appropriate and, if so, what dog controls it should contain.

3. OPTIONS CONSIDERED

- 3.1 There are currently 4 separate Dog Control Orders in place across the District, developed to address specific concerns and including specific control conditions in specified locations. The current orders only apply to the areas for which they are specified. The current Orders impose conditions as follows:-
 - 3.1.1 A requirement to place dogs on lead upon request by an authorised officer. This applies District-wide;
 - 3.1.2 A requirement to pick up and remove dog faeces. This applies to road carriageways and verges with speed limits of 40mph or less, footpaths and verges, parks and open spaces maintained by any

- local authority, burial grounds, school land and a list of specifically designated locations;
- 3.1.3 A requirement to keep dogs on leads at all times. This only applies to road carriageways and verges with speed limits of 40mph or less and 7 specifically designated locations; and
- 3.1.4 A dog exclusion requirement. This applies to all fenced-in children's play areas and a list of specifically designated locations.
- 3.1.5 Full details of the current controls and the areas to which they apply are on the Council's website at <http://www.huntingdonshire.gov.uk/environmental-issues/dogs-and-animal-welfare/#orders>.
- 3.2 All current Dog Control orders will lapse in October 2017, unless replaced by a PSPO. It would be possible for the Council do adopt a "do nothing" position and allow its powers to impose dog controls to cease. This is not considered appropriate due to the widespread public concern about the conduct of the small minority of irresponsible dog owners and the impact upon the general public of the lack of control which these individuals have upon their dogs.
- 3.3 It is possible to implement a District-wide Order or to adopt a more limited approach, only placing restrictions on specifically designated areas. Given the fact that some of the controls currently in place in specified locations are very restrictive, it would not be proportionate to replicate these across the whole District. However, it would be proportionate to have some of the less restrictive conditions applied in a consistent manner across the District and have stronger controls in place in areas where these are appropriate. It is proposed that a consultation be undertaken with this as the preferred approach.
- 3.4 In order to be transparent and proportionate and, crucially, not to interfere unduly with the legitimate activities of responsible dog owners, it is suggested that consultation be undertaken with a view to the following conditions being applied under a new PSPO:-
- The PSPO would apply to the whole of Huntingdonshire, with general conditions covering the whole District and additional conditions which would only apply in specified locations, similar to the arrangements under the current Dog Control Orders;
 - The conditions of the PSPO would not apply to guide dogs or assistance dogs, within defined criteria (this is the same as the current situation);
 - A District-wide condition requiring dog faeces to be picked up and taken away or disposed of in a suitable bin (this is more restrictive than the current arrangement, as some parts of the District are not currently covered);
 - A District-wide condition requiring persons in control of dogs to be required to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer (this is an additional condition);
 - A District-wide condition requiring dogs to be placed on a lead upon request by any authorised officer (this is the same as the current situation);

- A condition requiring dogs to be kept on a lead at all times in specified locations (this is the same as the current situation- no change is proposed to the specified locations); and
 - A condition stating that dogs are not allowed in specified locations (this is the same as the current situation- no change is proposed to the specified locations).
- 3.5 If necessary, this approach could be supplemented at a later time by placing additional conditions on specified areas, should these be required in response to locally evidenced issues.

4. KEY IMPACTS / RISKS

- 4.1 The key risk relating to this issue relates to the fact that, under the transitional arrangements for the implementation of the Anti-Social Behaviour, Crime and Policing Act 2014, all existing Dog Control Orders will lapse in October 2017 unless replaced by an appropriate PSPO. The development of a new PSPO will mitigate this risk.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 As required under the Anti-Social Behaviour, Crime and Policing Act 2014, a consultation exercise will be required prior to implementing a new PSPO. It is proposed that this be started immediately upon receiving Committee authorisation and lasting until the 15th August. The results will be reported back to this Committee at its meeting on 20th September. If the Committee agrees to the implementation of a new PSPO, it will then have to be publicised for a period of 20 days before it comes into force.

6. CONSULTATION

- 6.1 In order to ensure that the proposed PSPO is appropriately balanced and addressing the issues which are considered important, a consultation exercise will be undertaken. This exercise will be conducted on-line and will be widely publicised in the local media, on-line and by writing to appropriate local bodies and interest groups.
- 6.2 Specific comments will be sought from the Police and Crime Commissioner, the Police, Town Councils and Parish Councils.
- 6.3 Views will be sought on the following specific issues:-
- Whether the Council should implement a new PSPO;
 - Whether a new PSPO should cover the whole of the District or be limited to specified areas;
 - Whether the Council should require that dog faeces to be picked up and taken away or disposed of in a suitable bin across the whole District;
 - Whether persons in control of dogs should be required to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer;

- Whether the Council should require that dogs to be placed on a lead upon request by any authorised officer in specified locations, as per the current designation;
- Whether dogs should be excluded from specified locations, as per the current designation;
- Whether dogs should be excluded; and
- Whether there are any other dog controls which the Council should introduce under a PSPO.

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

- 7.1 Placing effective controls on dogs an irresponsible dog owners links to the strategic priority of Enabling Communities, specifically to the work programme objectives of “ensuring that our streets and open spaces are clean and safe”, “working closely with partners to reduce crime and anti-social behaviour” and providing and protecting quality green space and community facilities within new developments”.

8. LEGAL IMPLICATIONS

- 8.1 The power to issue PSPOs is contained in the Anti-Social Behaviour, Crime and Policing Act 2014. The Act requires consultation with parties likely to be affected by a new PSPO. The Act includes the Police and Police Authority as statutory consultees.
- 8.2 If a new PSPO is enacted, it will remain in place for a period of up to three years, after which time it will lapse unless renewed. There is no limit to the number of times a PSPO can be renewed.

9. RESOURCE IMPLICATIONS

- 9.1 There are no significant resource implications at this stage. Any impact of implementing a PSPO will be reported to the Committee in September 2017.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 As noted, consultation with appropriate parties is required in order to implement a PSPO. Approval from the Committee is required prior to implementation of a new PSPO and this will be sought at the Committee’s meeting on 20th September, in the light of the consultation results.

11. LIST OF APPENDICES INCLUDED

None.

BACKGROUND PAPERS

None.

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**Public
Key Decision No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Scoping Exercise on Hackney Carriage and Private Hire Licensing

Meeting/Date: Licensing and Protection Committee – 5 July 2017

Executive Portfolio: Executive Councillor for Housing and Regulatory Services - Cllr Ryan Fuller

Report by: Licensing Manager – Christine Allison

Ward(s) affected: All

Executive Summary:

As a result of a recent increase in the number of licensed drivers and Hackney Carriage/ Private Hire vehicles and need to be more business and customer focused, a scoping exercise has been undertaken on the Hackney Carriage and Private Hire functions undertaken by the Council.

The service operates within a number of separately published policies and procedures, but has no overarching policy document. It is now considered that a dedicated taxi policy statement be formulated and published.

The formulation of a new policy statement will address recent new statutory duties placed upon the Council, will provide an opportunity to re-visit a number of existing policies and procedures and will enable consideration of the introduction of a number of new discretionary initiatives to raise standards.

Recommendation(s):

It is recommended that:

1. A dedicated taxi licensing policy be formulated and draft prepared for the next meeting of the Licencing and Protection Committee on 20 September 2017.
2. The matters detailed in paragraph 3.1 where action is considered to be necessary are approved.
3. The matters detailed in paragraph 3.2 where action is considered to be discretionary are approved.
4. Members consider whether there are any further aspects that need addressing as a part of the draft policy statement / scoping.

1. PURPOSE OF THE REPORT

- 1.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. Between 1 April 2015 and 31 March 2017, the number of drivers and vehicles licensed within the district has increased by 31% and 17% respectively. The service currently operates within a number of separately published policies and procedures, but has no overarching policy document. It is now considered that a dedicated taxi policy be formulated and published.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Introducing a policy will provide the ability to state and extend our aims and objectives to include additional areas such as protection from harm, environmental sustainability and crime and disorder. It will also provide an opportunity to look at other elements of licensing for review, updating, introducing or discontinuing and to ensure they are LEAN and customer led.
- 2.2 Some matters for consideration are statutory, whereas others, whilst not statutory, are in line with our corporate plan and could be used to provide positive improvements to standards.
- 2.3 Our standards going forward will determine our position in the market and whether we want to encourage all comers or implement measures that may favour the local community.
- 2.4 All policies, processes and procedures will be fully transparent and available to view on line. A policy, once introduced, may need regular updating to reflect legislative changes, but will provide a customer focused and readily available service. Public consultation would need to be undertaken.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The following actions are considered to be necessary:
- To introduce a new dedicated taxi licensing policy statement.
 - To introduce new elements of training for drivers on child sexual exploitation, safeguarding and disability awareness.
 - To introduce 3 year licences for drivers and 5 year licences for operators with effect from 1.4.18 with the option for 1 year licences, if appropriate.
 - To discontinue the penalty point system.
 - To review the conditions for drivers, vehicles and operators.
 - To include new statutory provisions relating to Section 167 (6) of the Equality Act 2010.
 - To include new statutory provisions relating to the Immigration Act 2016 and right to work in the UK.
 - To update the Council's guidelines relating to the relevance and treatment of convictions.
 - To alter the delegations of authority to be smart and appropriate to enable decisions to be quickly arrived at.
- 3.2 The following actions are considered to be discretionary:
- Whether or not to introduce a local knowledge test for new drivers.
 - Whether or not to introduce an English/ maths test.

- Whether or not to impose an age limit on vehicles.
- Consideration of a more uniform appearance for Hackney Carriage Vehicles.
- Consideration of mandatory door stickers for Private Hire Vehicles.
- Consideration of a sliding scale of fees for Operators.

3.3 A further analysis of the matters referred to in paragraphs 3.1 and 3.2 are detailed in an action plan attached as Appendix A.

4. KEY IMPACTS / RISKS

4.1 We have a duty to implement government legislation and are advised to adopt government guidance. If we do not do so, then we are open to legal challenge.

4.2 Policies and procedures provide evidence of our stance on taxi licensing matters. A policy will be transparent, will aid consistency of practice and will be made available to the public.

4.3 The absence of an overarching policy could impact upon the ability for drivers and customers to easily access relevant information.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

5.1 The results of today's determinations will be translated into a draft policy statement incorporating the relevant elements. It will then be returned to the next meeting of the Licensing and Protection Committee on 20 September 2017.

5.2 Public consultation and engagement with the trade will be undertaken between October and December 2017.

5.3 A further draft policy will then be drawn up, taking into account all responses received from the consultation and will be presented to the Licensing and Protection Committee in January 2018 for final approval.

5.4 It is proposed that implementation of the policy/ proposals will take effect on 1 April 2018.

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

6.1 This opportunity can be used to review and simplify other related areas, ensuring that our processes are LEAN, customer focused and provide value for money. The introduction of safeguarding and child exploitation training would be a positive move in support of the Council's corporate plan.

7. CONSULTATION

7.1 The matters referred to in paragraphs 3.1 and 3.2 were put before the Policy Development Group meeting on 23 May 2017, where it was acknowledged that it would be beneficial to have an overarching policy statement containing all the relevant information in one place that a potential driver or operator could easily access and understand.

7.2 It was also acknowledged that the exercise of producing a policy statement could be further utilised to undertake a fundamental review of the taxi licensing processes, to determine the Council's level of licensing standards and our place in the taxi market.

8. LEGAL IMPLICATIONS

- 8.1 Legal implications may arise as a result of non-compliance with legislation, leaving us open to challenge and the possibility of costs being awarded against the Council.

9. RESOURCE IMPLICATIONS

- 9.1 There will be a staff resource implication for completion of the work to be undertaken, but this can be met from within existing resources. Some costs can be absorbed within licence fees, but others will need to be borne by the applicant. An indication of the likely costs for implementation has been outlined in Appendix A, where appropriate.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 The actions proposed will redefine and determine our position within the market going forward and will provide an easily accessible overarching document setting out our policy on taxi matters.

11. LIST OF APPENDICES INCLUDED

Appendix A – Summary of actions considered necessary and discretionary.

BACKGROUND PAPERS

None

CONTACT OFFICER

Christine Allison, Licensing Manager
Tel No: 01480 387075

Appendix A - Summary of actions considered necessary and discretionary.

| Topic/ proposal | Comment | Actions |
|---|--|---|
| Actions considered necessary | | |
| To introduce new elements of training for drivers on child sexual exploitation (CSE), safeguarding and disability awareness. | <p>There are a range of training methods including BTEC qualifications (Bury St Edmunds), local college courses (Peterborough) and 'in house' training. All these would attract a considerable additional cost for applicants and require a staff resource to set up/ review. There could be significant time gaps in getting sufficient numbers to run a course, which would delay the application procedure.</p> <p>The preferred method would be the introduction of E-learning modules which are more cost effective to the applicant and are available from a variety of providers.</p> | <p>Further work will need to be undertaken to investigate the most appropriate and cost effective provider of these services. Once set up, would 'run themselves'. The packages could be installed on the PC's in reception. Investigation can also be undertaken to establish whether these could be undertaken from the applicant's home via a link.</p> <p>The instigation of this additional training element would need to be consulted upon with the trade and could be incorporated into the policy.</p> |
| To introduce 3/5 year licences for drivers/operators, with the option for 1 year licences if appropriate. | <p>The Deregulation Act 2015 requires a standard duration of 3/5 years for drivers/operators with the option of a lesser period, if appropriate.</p> | <p>The implementation of this has been delayed until full recharge figures for providing this service have been agreed. We currently operate one year renewals. This will be implemented on 1st April 2018.</p> |
| To discontinue the existing penalty point system. | <p>The penalty points system was introduced in June 2011 but is complex, its application has been inconsistent, is confusing to drivers and no noticeable benefit has resulted in its application. It also has no legislative basis and could be challenged.</p> | <p>The existing system will be discontinued. However, should this not be supported, then options of reviewing, simplifying or leaving could be considered.</p> |

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| To review the conditions for Drivers, Hackney Carriage Vehicles, Private Hire Vehicles, Stretch Limousines and Private Hire Operators. | | This will be undertaken as a part of the scoping project. These will then form an appendix to the new policy document. |
| To adopt and include in the policy the new statutory provisions relating to Section 167(6) of the Equality Act 2010 regarding wheelchairs in taxis. | New legislation came into force on 6 April 2017. | A separate report is being submitted to the Licensing and Protection Committee on 5 July 2017 regarding the implications and a section will be included within the new policy document. |
| To include the new statutory provisions relating to the Immigration Act and right to work in the UK. | New legislation came into force on 1 December 2016. | The council is now required to ensure that all driver applicants and renewal drivers have a right to work in the UK. A National Fraud Initiative matching exercise has already been undertaken. Adjustments have already been made to our forms and application procedure to include the provision and a section will be included within the new policy document. |
| To update the Council's guidelines relating to the relevance and treatment of convictions. | There is a need for some minor updating to reflect both recent changes and the LGA's new guidance document published in February 2017. | The latest version was approved by the Licensing and Protection Committee in March 2015 and is currently on our website. Minor adjustments are needed to reflect recent changes in legislation e.g. reclassification of mobile phone use as a major offence. This will be updated as a part of the scoping exercise with the updated guidelines being appended to the new policy. |
| To alter the delegations of authority. | Delegations need to be appropriate and smart with the ability for decisions to be quickly arrived at. | This is currently being looked at by officers. Some delegations for suspension/ revocation could be more appropriately delegated to the Licensing Manager and/ or Licensing Officers. E.g. to suspend a licence for minor matters e.g. defective lights, or where a vehicle is found to be unsafe at the garage during testing and the plate is taken off as a result. The impact of the Community restructure will also be taken into account. |

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| Actions considered to be discretionary | | |
| The introduction of a Local Knowledge test for new drivers. | This could be incorporated as an additional e-learning module together with the safeguarding training above. It would involve an additional cost of £50-£65 for drivers but would raise standards and deter drivers from outside the area driving HC's as PH vehicles many miles distant with possible enforcement issues. | Until 2012 a practical local knowledge test was undertaken as a part of 'in house' driver testing. Since 2012, driver tests have been undertaken by the DSA and the Blue Lamp trust. There is no local knowledge test as a part of these examinations. A local knowledge test could be re- introduced as a theory module in conjunction with any safeguarding training. This would need to be consulted upon. The additional cost and extra requirement may cause resistance from the trade. If introduced, this would also feature in the policy. Councils are increasingly introducing these to prevent applications for Hackney Carriage drivers who operate away from our district with resultant enforcement difficulties. Cambridge City, ECGD, SCDC, Peterborough and Fenland all operate knowledge tests. |
| The introduction of an english and/or mathematics test for new drivers. | Drivers are expected to have a good understanding of English and have the ability to write a receipt and calculate change from fares. | A test and method of delivery would need to be formulated. E-learning modules are unlikely to provide this element. Introduction would need to be consulted upon and be included in the policy. We currently have no standard requirement to demonstrate this. |
| Consideration to impose an age limit on vehicles. | We currently have no age policy. Vehicles are tested annually for compliance. The implementation of an age policy would impose an increased hurdle to cross and additional cost to drivers. | If implemented, an age limit would likely meet with resistance from the trade An exercise would need to be undertaken to determine a suitable age policy upon first licence and final renewal which would need to be consulted upon and detailed in the policy. SCDC currently require newly licensed Hackney Carriage Vehicles to be under five years old, Cambridge City Hackney Carriages up to 4 years old (renewed up to 9 years) and Peterborough Hackney Carriages up to 3 years old (renewed up to 15 years old). |
| Consideration of a more uniform appearance for Hackney Carriage and Private Hire vehicles. | We currently do not have a livery for Hackney Carriages or require door stickers on Private Hire Vehicles. | Some Councils have a livery for their HC vehicles e.g. Forest Heath is black/yellow. The driver would need to bear the cost of any livery imposed. Our conditions would need to be varied. Some Council's also require PH vehicles to display door stickers with the council logo and wording stating 'Private Hire Vehicle No booking- no insurance' or 'pre booked only'. We currently issue window stickers with logo and wording, but as it is not a mandatory condition, the majority choose not to use/display. Door stickers would be of a minimal extra cost to the drivers e.g. £6-£10 for a pair. If either are to be adopted, they would need to be consulted upon, conditions changed |

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| | | and included in the policy. |
| Consideration of a sliding scale for Operators fees. | A sliding scale could more correctly reflect the amount of work undertaken/generated and would avoid smaller companies subsidising the larger ones. | <p>The current annual fee of £118 takes no account of the number of vehicles operated. HDC, Cambridge City and Peterborough levy a single fee, SCDC, Fenland and ECDC operate sliding scale of fees based upon the number of vehicles operated. Banding levels vary within districts, ranging from £80 p.a. for 1 vehicle to £298 p.a. for 20+ vehicles.</p> <p>A robust and suitable scale would need to be determined which may be difficult owing to a lack of evidence to date on time spent etc. A time and motions study would need to be undertaken before implementation. It would likely receive resistance from the larger operators within the trade. It would be more complex to administer and monitor compliance, but this could be reflected in the cost of the licence. It could not be used as a means of gaining additional income as taxi licensing must be cost neutral. Would need to be consulted upon and included in the policy.</p> |

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

| | |
|------------------------------|---|
| Title/Subject Matter: | Commencement of Section 165 and 167 of the Equality Act 2010. Changes to the legislation affecting drivers of wheelchair accessible vehicles. |
| Meeting/Date: | Licensing and Protection Committee – 5 July 2017 |
| Executive Portfolio: | Executive Councillor for Housing and Regulatory Services - Cllr Ryan Fuller |
| Report by: | Licensing Manager – Christine Allison |
| Ward(s) affected: | All |

Executive Summary:

On 6 April 2017 Sections 165 and 167 of the Equality Act 2010 came into force making it illegal for taxi drivers of designated wheelchair accessible vehicles to discriminate against wheelchair users unless they are certified as being exempt from the requirements to assist. Statutory Guidance has been issued by the Department for Transport, to which a licensing authority should have regard.

Any financial implications arising will be reflected in the cost of providing the service.

Recommendation(s):

The Licensing and Protection Committee is recommended to

1. Agrees to implement Sections 165 and 167 of the Equality Act 2010 as laid out in the main body of the report.
2. Agree that the timeframe for its implementation be within a period of six months if possible to do so, but if not, the final setting of the implementation date be delegated to the Head of Community and the Licensing Manager, in consultation with the Executive Councillor for Housing and Regulatory Services and Chairman of Licensing & Protection Committee.
3. Agree that all procedural matters including the application form, the evidential requirement in support of claims, the system for assessing drivers and the duration of an exemption certificate be delegated to the Head of Community and the Licensing Manager.
4. Agree that any breaches will require the driver to appear before the Licensing and Protection Sub-committee to determine whether they are or a 'fit and proper' to hold a Hackney Carriage and Private Hire Driver's licence. Alternatively, delegated powers could be given to the Head of Community to suspend or revoke a licence. The Council's guidance on the relevance and treatment of convictions will be amended to reflect the change.

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 With effect from 6 April 2017 the Government commenced Sections 165 and 167 of the Equality Act 2010 ('the Act').
- 1.2 The Department for Transport has also issued Statutory Guidance regarding access for wheelchair users to Taxis and Private Hire Vehicles. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communication with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements. Local Authorities must have regard to the guidance document.
- 1.3 Local Authorities now have the powers to make lists of wheelchair accessible vehicles and require the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibit them from charging extra.
- 1.4 It will be a criminal offence for drivers in designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, fail to provide them with appropriate assistance or to charge them extra. The Committee will also be able to consider the suspension or revocation of the driver's licences.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 From 6 April 2017, Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and private hire vehicles. These are:
- To carry the passenger while in the wheelchair;
 - Not to make an additional charge for doing so;
 - If the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - To take such steps as are necessary to ensure the passenger is carried in safety and reasonable comfort; and
 - To give the passenger such mobility assistance as is reasonably required.
- 2.3 The Act defines mobility assistance as assistance to:
- Enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle in the wheelchair;
 - To load the passenger's luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle
- 2.4 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance these duties require. The Act allows licensing authorities to grant exemptions to individual drivers, can be granted for as short or long a time period as the licensing authority thinks appropriate and must be displayed in a prescribed form.
- 2.5 Before drivers can be subject to the duties under Section 165, the licensing authority must first publish a list of designated vehicles that are available to passengers and that vehicle owners are made aware. The list will include information such as the make and model of the vehicle, whether taxi or private hire and stating the name of the operator.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 Section 167 of the Act permits, but does not require Licensing Authorities to maintain a designated list of wheelchair accessible Hackney Carriage and Private Hire vehicles.
- 3.2 Whilst Licensing Authorities are under no legal obligation to maintain a list under section 167, the Government recommends strongly that they do so.
- 3.3 Without such a list the requirements of section 165 of the Act do not apply and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

4. KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

- 4.1 Drivers will be subject to the duties set out in Section 165 if the vehicle they are driving appears on the designated list and the licensing authority has not provided them with an exemption certificate, regardless of where the journey starts or ends. Where drivers breach their responsibilities, the Government expects licensing authorities to take tough action.
- 4.2 The guidance recommends that upon receipt of a conviction for breaching their duties under Section 165, it would be appropriate for the authority to consider whether they were 'fit and proper' to hold a taxi or private hire drivers licence. The Government's presumption is that a driver who wilfully failed to comply with Section 165 would be unlikely to remain 'fit and proper'. This would need to be included within the Licensing and Protection Committees guidance on the relevance and treatment of convictions and within any policy document subsequently produced.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 The guidance recognises that time is needed to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so and to make drivers aware of these requirements. It also states that licensing authorities will need to ensure that the new procedures comply with the guidance and that exemption notices are issued in accordance with Government Regulations.
- 5.2 Licensing Authorities are encouraged to put into place transitional procedures to insure the smooth and effective implementation of the new law, with drivers and owners being notified of the new requirements and given time to apply for exemptions where appropriate. The guidance suggests six months as being a sensible period of time. Only when confident that such procedures have been put into place should the list be published.
- 5.3 The guidance suggests that authorities will need to follow a series of steps to ensure the new requirements are implemented effectively in their area. The process is summarised as follows:
- The Licensing and Protection Committee agrees to implement Sections 165 and 167 of the Equalities Act 2010.
 - Licensing Authority reviews the guidance document and compares against any existing policies (we do not currently have such a policy).
 - Licensing Authority sets out a policy for exempting drivers on medical and physical condition grounds (i.e. own GP or independent Occupational Health at own cost).

- Licensing Authority identifies and prepares draft lists of designated wheelchair accessible vehicles identified.
- Licensing Authority informs owners that their vehicles will be placed on the list and alert drivers to their new legal responsibilities.
- Drivers apply for medical or physical exemptions where necessary.
- Licensing Authority issues medical or physical exemptions.
- Licensing Authority publishes list of designated wheelchair accessible vehicles and new legal responsibilities on drivers of wheelchair accessible vehicles take effect.

5.4 An application form will need to be devised, a system for assessing drivers, the evidence required to support their claim and a system for granting exemption certificates. Medical assessments will be carried out by at least a letter/ report from a general practitioner; however the guidance recommends that medical assessments should be undertaken by professionals who have been specifically trained and are independent of the applicant. Officers estimate that the transitional process will take at least the full six months and will require amendment to any new taxi policy that may be formulated in the future.

6. LINK TO THE CORPORATE PLAN

6.1 The Government is committed to ensuring that transport works for everyone, including disabled people and to improve transport accessibility with the aim of removing any discrimination disabled passengers face when attempting to travel. We want to ensure that a safe and secure taxi service is made available to the public and that the service provides value for money. If Sections 165 and 167 are implemented, drivers licenced by this authority will not be permitted to charge extra for wheelchair users.

7. CONSULTATION

7.1 There is no requirement to undertake consultation upon the agreement to implement Sections 165 and 167 of the Equalities Act 2010 as it is primary legislation. However in accordance with the guidance recommendation, we will be making drivers and operators aware of the new requirements and give them time to apply for exemptions where appropriate.

7.2 The intention of Sections 165 and 167 are to have a positive impact for passengers in wheelchairs, ensuring they are better informed about the accessibility of designated taxis and private hire vehicles in our area and are confident of receiving the assistance they need to travel safely. We can convey this message by a variety of methods, including a statement within a taxi licensing policy, by liaising with relevant community groups and producing a press release upon implementation.

8. LEGAL IMPLICATIONS

8.1 The Equality Act 2010 (Commencement) Order 2017 brings into force Sections 165 and 167 (in so far as they are not already in force) of the Equality Act 2010.

8.2 Section 165 imposes duties on drivers to carry passengers who are either wheelchair users or wheelchair users accompanying passengers, so as to enable wheelchair users to access and exit designated vehicles. It also creates a new criminal offence if the driver of a designated vehicle fails to comply with the duties specified in Section 165.

- 8.3 Section 166 provides that the driver of a designated vehicle is exempted from the duties imposed by Section 165 if a licensing authority issues the driver with an exemption certificate which is in force and the prescribed notice of the exemption is exhibited in the designated vehicle in the prescribed manner. Section 166 also provides that a vehicle is 'designated' if it appears on the list maintained under Section 167.
- 8.4 Section 167 provides that for the purposes of Section 165, a licensing authority may maintain a list of vehicles which are either taxis or private hire vehicles and conform to such accessibility requirements as the licencing authority thinks fit.
- 8.5 Section 172 of the Act enables vehicle owners to appeal against the decision of a Licensing Authority to include their vehicles on the designated list. Any appeal should be made to the Magistrates' Court within 28 days of the vehicle in questions being included on the published list.
- 8.6 Section 172 of the Act also enables drivers to appeal against the decision of a Licensing Authority not to issue an exemption certificate. Any appeal should be made to the Magistrates' Court within 28 days beginning with the date of refusal.
- 8.7 The Guidance suggests that a Licensing Authority may choose to establish its own appeal process for drivers in addition to the statutory process. However, it would be difficult to determine any perceived advantage of this approach and would need to be undertaken rapidly in order to allow any formal appeal to the Magistrates' Court to be made within the 28 day period.

9. RESOURCE IMPLICATIONS

- 9.1 The implementation, processing of requests, ongoing maintenance and any compliance/ enforcement actions arising from complaints will result in additional work for the licensing team. The licensing of taxis and private hire vehicles should be cost neutral, so any additional costs incurred in providing the service will need to be recovered within licence fees.

10 REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 That the change in legislation which came into force on 6 April 2017 be noted, together with the steps required to implement the new arrangements.

11. LIST OF APPENDICES INCLUDED

Appendix 1 – Department for Transport, Access for wheelchair users to Taxis and Private Hire Vehicles, Statutory Guidance – Moving Britain Ahead -2017.

BACKGROUND PAPERS

The Equality Act 2010 (Commencement No12) Order 2017
Sections 165-167 Equality Act 2010 .

CONTACT OFFICER

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Department
for Transport

Access for wheelchair users to Taxis and Private Hire Vehicles

Statutory Guidance

Moving Britain Ahead

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Ministerial Foreword



This Government is committed to ensuring that transport works for everyone, including disabled people. Since joining the Department for Transport in 2015, and taking on Ministerial responsibility for transport accessibility, I have made it my mission to challenge the status quo and encourage innovative thinking to improve access to transport across the modes.

I know however, that despite the real improvements which have taken place in recent years, some disabled passengers still face discrimination when attempting to travel. I am clear that this is unacceptable.

Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse or charge them extra. I want similar protections to apply to wheelchair users, which is why I am delighted that we have commenced the remaining parts of sections 165 and 167 of the Equality Act 2010, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. I hope that in so doing we will send a clear signal to the minority of drivers who think it acceptable to discriminate on grounds of disability that such behaviour will not be tolerated – and, more importantly, to enable wheelchair users to travel with confidence.

A handwritten signature in blue ink that reads "Andrew Jones". The signature is written in a cursive, flowing style.

**Andrew Jones MP,
Parliamentary Under Secretary of State, Department for Transport**

1. Introduction

Status of guidance

- 1.1 This guidance document has been issued in order to assist local licensing authorities (LAs) in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle (PHV) services. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communicating with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements.
- 1.2 This is a statutory guidance document, issued under section 167(6) of the Equality Act 2010 and constitutes the Secretary of State's formal guidance to LAs in England, Wales and Scotland on the application of sections 165 to 167 of the Equality Act 2010. LAs must have regard to this guidance document.

2. Putting the law into practice

Background

- 2.1 We have commenced sections 165 and 167 of the [Equality Act 2010](#) (“the Act”), in so far as they were not already in force. Section 167 of the Act provides LAs with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 2.2 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows LAs to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 On 15th September 2010, the Department for Transport issued guidance on the Act which stated, in relation to section 167, *“although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates”*.
- 2.4 We therefore recognise that many LAs have already implemented some of these provisions, including publishing lists of wheelchair accessible vehicles and exempting drivers. Therefore, there are likely to be a range of approaches being used in practice by LAs across England, Wales and Scotland.

Transitional arrangements

- 2.5 We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and PHVs in their area, and confident of receiving the assistance they need to travel safely.
- 2.6 But we recognise that LAs will need time to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so, and to make drivers aware of these new requirements. In addition, LAs will need to ensure that their new procedures comply with this guidance, and that exemption notices are issued in accordance with Government regulations. This will ensure that we get a consistent approach and the best outcomes for passengers in wheelchairs.
- 2.7 As such, we would encourage LAs to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law. LAs should only publish lists of wheelchair accessible vehicles for the purposes of

section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for exemptions where appropriate. We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances.

2.8 A flowchart setting out the sorts of processes that a LA could follow is set out below. This is an indicative illustration, and it will be down to each LA to determine the actions they need to take to ensure this new law is implemented effectively in their area.



3. Vehicles

Overview

- 3.1 Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.
- 3.2 Whilst LAs are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

Vehicles that can be designated

- 3.3 We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 3.4 The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 3.5 This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair"¹ to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 3.6 Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 3.7 The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. Paragraph 3.10 of this guidance below aims to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

¹ As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)

Preparing and publishing lists of designated vehicles

- 3.8 We want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.
- 3.9 Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.
- 3.10 LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.
- 3.11 However, we recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.
- 3.12 We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. Authorities may however wish to use existing licensing powers to require such drivers to provide assistance, and impose licensing sanctions where this does not occur.

Appeals

- 3.13 Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list.

4. Drivers

Driver responsibilities

- 4.1 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.
- 4.2 The duties are:
- to carry the passenger while in the wheelchair;
 - not to make any additional charge for doing so;
 - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - to give the passenger such mobility assistance as is reasonably required.
- 4.3 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - To load the passenger's luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.4 Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them. We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication. The Disabled Persons Transport Advisory Committee's Disability Equality and Awareness Training Framework for Transport Staff² may provide a useful resource.
- 4.5 Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.
- 4.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or

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<http://webarchive.nationalarchives.gov.uk/20080804135759/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>

light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

- 4.7 It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running.

Applying for and issuing exemptions

- 4.8 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1st October 2010.
- 4.9 Section 166 allows LAs to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties. Since October 2010, taxi and PHV drivers who drive wheelchair accessible taxis or PHVs have therefore been able to apply for exemptions. If they do not do so already, LAs should put in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.
- 4.10 We suggest that authorities produce application forms which can be submitted by applicants along with evidence supporting their claim. We understand that some licensing authorities have already put in place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner.
- 4.11 However, the Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LAs may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.
- 4.12 If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. As section 166 has been in force since 2010, many LAs will already have processes in place for issuing exemption certificates, and as such we do not intend to prescribe the form that those certificates should take. We are however keen to ensure that passengers in wheelchairs are able to clearly discern whether or not a driver has been exempted from the duties to provide assistance, and as such will prescribe the form of and manner of exhibiting a notice of exemption.
- 4.13 If the exemption application is unsuccessful we recommend that the applicant is informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

Demonstrating exemptions

- 4.14 In addition to the exemption certificate, exempt drivers need to be issued with a notice of exemption for display in their vehicle.
- 4.15 The Department will soon make regulations which will prescribe the form of and manner of exhibiting a notice of exemption. Where a driver has been exempted from the duties under section 165 of the Act, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Act.
- 4.16 The Department aims to distribute copies of the notice of exemption to LAs, but they are of course free to produce their own in accordance with the regulations.
- 4.17 Only one exemption notice should be displayed in a vehicle at any one time.

Appeals

- 4.18 Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal.
- 4.19 LAs may choose to establish their own appeal process in addition to the statutory process but this would need to be undertaken rapidly in order to allow any formal appeal to the Magistrate's Court to be made within the 28 day period.

5. Enforcement

Licensing measures and prosecution

- 5.1 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the LA that licensed them, and the LA has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 5.2 The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act.
- 5.3 LAs have wide-ranging powers to determine the rules by which taxis and private hire vehicles within their respective areas may operate. We recommend that they use these powers to ensure that drivers who discriminate against disabled passengers are held accountable.
- 5.4 If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence. The Government's presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a "fit and proper person".
- 5.5 Authorities might also apply conditions which enable them to investigate cases of alleged discrimination and take appropriate action, even where prosecution did not proceed.

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**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Representation on External Organisations

Meeting/Date: Licensing and Protection Committee – 5 July 2017

Executive Portfolio: Councillor R Fuller – Executive Councillor for Housing and Regulatory Services

Report by: Elections and Democratic Services Manager

The Council's representation on a variety of organisations and partnerships is reviewed annually. Listed below are those organisations to which the Licensing and Protection Committee nominate representatives on an annual basis.

| Organisation | Proposed Representative(s) for 2017/18 | Representative(s) for 2016/17 | Approx Number of Meetings Per Annum | Allowance Payable S - Subsistence T - Travelling | Term of Appointment |
|---|---|------------------------------------|-------------------------------------|--|---------------------|
| Cambridgeshire Consultative Group for the Fletton Brickworks Industry | Councillor E R Butler | Councillor E R Butler | 2 | S & T | Annual |
| Little Barford Power Station Liaison Committee | Councillor J E Corley | Councillor J E Corley | 1 | S & T | Annual |
| Needingworth Quarry Local Liaison Committee | Councillors R Carter and M Francis | Councillors R Carter and M Francis | 2 | S & T | Annual |
| Warboys Landfill Local Liaison Committee | Councillor PLE Bucknell | Councillor PLE Bucknell | 1 | S & T | Annual |

Contact has been made with those representatives appointed in 2016/17 to establish whether they are happy to continue to represent the District Council.

The Committee is

RECOMMENDED

to make nominations to those organisations as outlined above for the 2017/18 Municipal Year.

CONTACT OFFICER

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Agenda Item 10

Public
Key Decision – No

Subject Matter: LICENSING AND PROTECTION SUB-COMMITTEE
Meeting/Date: Licensing and Protection Committee –5 July 2017
Executive Portfolio: Councillor R Fuller – Executive Councillor for Housing and Regulatory Services
Report by: Elections and Democratic Services Manager

1. INTRODUCTION

- 1.1 The Licensing Sub-Committee 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 |
|--------------|------------|---|--|
| 11 May 2017 | S Criswell | New Application for a Hackney and Private Hire Licence. | Allowed to Proceed. |
| | | New Application for a Hackney and Private Hire Licence | Allowed to Proceed. |
| | | New Application for a Hackney and Private Hire Licence | Allowed to Proceed. |
| 15 June 2017 | | New Application for a Hackney and Private Hire Licence | Refused. |
| | | New Application for a Hackney and Private Hire Licence | Refused. |
| 29 June 2017 | | New Application for a Hackney and Private Hire Licence | Outcome to be reported at the meeting. |
| | | New Application for a Hackney and Private Hire Licence | Outcome to be reported at the meeting. |
| | | New Application for a Hackney and Private Hire Licence | Outcome to reported at the meeting. |

2. RECOMMENDATION

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

BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Sub-Committee.

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

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