

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 20 September 2017.

PRESENT: Councillor S J Criswell – Chairman.

Councillors Mrs B E Boddington, J E Corley, J W Davies, Mrs A Dickinson, L George, J M Palmer and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs S Conboy, Mrs S A Giles, Mrs J Tavener and R G Tuplin.

### **16. MINUTES**

The Minutes of the meetings of the Licensing and Protection Committee held on 5th July 2017 were approved as a correct record and signed by the Chairman.

### **17. MEMBERS INTERESTS**

No declarations were received.

### **18. PUBLIC SPACE PROTECTION ORDER - DOG CONTROL**

Pursuant to Minute No. 10/17, the Committee considered a report by the Head of Community (a copy of which is appended in the Minute Book) detailing the outcome of the public consultation exercise on a proposed Public Spaces Protection Order (PSPO) for the control of dogs for Huntingdonshire.

Having been advised that the consultation exercise had included an on-line survey and direct contact with statutory consultees, significant interest groups and all town and parish Council's within the District, the Committee noted that the responses to the consultation had been strongly in favour of the Council establishing a new PSPO to replace the current dog control measures within the District. With this in mind, it was recommended that a new PSPO setting out a general set of proportionate controls across Huntingdonshire and a set of additional controls in specific locations should be introduced.

Members were reminded that once enacted, a PSPO would remain in place for a period of up to three years whereupon it could be renewed. If it were deemed necessary, the order could be supplemented by placing additional conditions on specified areas or by adding new designated areas should these be required. Subsequent changes would be subject to a formal consultation with statutory consultees including local ward members and approval by the Licensing and Protection Committee.

With regards to enforcement of the Order, the Committee were

advised that targeted, intelligence-led enforcement activity would be carried out by officers from the Council's Community Protection and Enforcement team which had been established to deal with a wide range of environmental enforcement issues.

Whereupon, it was

#### RESOLVED

- (a) that a new Public Spaces Protection Order (PSPO) covering the control of dogs in Huntingdonshire as detailed in Appendix 2 to be report submitted be approved; and
- (b) that the Head of Community in consultation with the Executive Councillor for Community Resilience, Well-Being and Regulatory Services be authorised to make minor amendments to the conditions and scope of the PSPO as required.

#### **19. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS**

With the assistance of a report by the Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee received an update on progress against the delivery of work in the Council's Food Law Enforcement and Health and Safety Service Plans during the period 1st April to 31st August 2017.

Attention was drawn to the Appendices to the report which set out recorded activity against predicted activity in a number of service areas. The Committee were pleased to note that progress in the majority of areas within both Service Plans had been classified as green and were satisfied with the explanation which was provided for the one area which had been identified as amber – the alternative enforcement strategy. This was not currently a concern as these low risk premises would be picked up in the latter part of the year.

Arising from a Members question, clarification was sought and provided as to the inspection regime for childminders within the Food Safety Service Plan as part of the Alternative Enforcement Strategy.

The Operational Manager (Business) then updated the Committee on progress with a number of strategic initiatives. In doing so, Members were advised that Primary Authority Work has centred upon a review of the terms and conditions of the Council's agreement with Cambridgeshire Catering Services in line with revised statutory guidance. Attention was also drawn to the progress which was being made with the 'Better Business for All' initiative and the implementation of the 'Healthier Options programme' within the District.

The Committee were also informed that a further round of consultation has also been undertaken by the Food Standards Agency on the Regulating our Futures programme. This was the new strategic plan for delivering food safety and standards in the UK which centred on enhanced registration, risk segmentation and developing confidence in businesses. Having noted that progress was being made in different stages, it was envisaged that the new programme

would largely be in place by 2020. Members were encouraged that the FSA was seeking to engage with local authorities in developing these proposals.

Having noted that monitoring reports would continue to be submitted to scheduled meetings of the Committee on a quarterly basis, it was

RESOLVED

that progress on the delivery of the two Service Plans for the period 1st April to 31st August 2017 be noted.

**20. CONSULTING ON A DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

Further to Minute No. 11/17 and with the assistance of a report by the Licensing Manager (a copy of which is appended in the Minute Book), the Committee considered the contents of a draft Hackney Carriage and Private Hire Licensing Policy for public consultation.

By way of introduction, the Committee were reminded that the service currently operates within a number of separately published policies and procedures and Members had agreed at their last meeting that a dedicated taxi policy statement be formulated and published. This had now been prepared for Member's consideration and approval for public consultation. Attention was drawn to the legislative elements which must be included within the draft and those which were discretionary initiatives intended to provide positive improvements to standards.

Members were advised that in addition to the introduction of a new policy, as a separate exercise the delegations of authority would also be altered to enable appropriate decisions to be made in a timely manner and the Council's penalty points system would be discontinued. An explanation of the Council's penalty points system was provided to Committee Members and it was reported that this had not been widely applied in the past,

Having noted that public consultation and engagement with the trade would be undertaken between October and December 2017, the Licensing Manager made reference to the consultation document (copies of which were circulated to all members in attendance) and the specific questions which would be included with the consultation questionnaire on Survey Monkey. The Head of Community urged all Committee Members to review in detail the draft policy and to respond through the formal consultation process or to Council officers directly.

In reviewing the proposed policy, Members discussed the responsibilities of Private Hire Operators. Comment was made on the perceived need for further controls in this area and a Member suggested that Operators could be invited to appear before the Licensing and Protection Sub-Committee if a number of their drivers had had reason to appear. In recognition that Operators do have a responsibility for the drivers within their employment, Officers undertook to give further consideration to an additional section within the consultation document for this purpose. The Licensing Manager explained that the Licensing Team do record complaints against Operators and have issued verbal and written warnings in the past.

Members also discussed the proposal and need to identify and make explicit the differences between Private Hire (PH) and Hackney Carriage (HC) vehicles. Members agreed that it was important to promote to the general public that insurance for both the driver and passengers is invalid in a Private Hire Vehicle unless it has been pre-booked with the operator. Members also indicated that it would be useful for licensed drivers to undertake first aid training.

Whereupon, it was

#### RESOLVED

- (a) that the draft Hackney Carriage and Private Hire Licensing policy as attached as an appendix to the report now submitted be approved for public consultation;
- (b) that the Head of Community be authorised to make any amendments to the draft policy that are considered necessary as a result of any comments received from the public consultation, or arising from further legislation or guidance received during the drafting period; and
- (c) that the revised final draft be put before the Licensing Committee in early 2018 for approval, with a view to implementation with effect from 1st April 2018.

**[In view of the timetable for the consultation, it was agreed that the Committee's next meeting (scheduled for Wednesday 13 December 2017) would be deferred to a meeting at the end of January / early February 2018].**

#### **21. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATE 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 one licence which had been suspended under the powers delegated to the Head of Community since the last meeting of the Committee.

#### **22. LICENSING AND PROTECTION SUB COMMITTEE**

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee noted the details of two meetings of the Licensing and Protection Sub-Committee which had taken place between 28th July and 15th August 2017.

Chairman