

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, 7 FEBRUARY 2018** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact  
(01480)**

**1. MINUTES** (Pages 5 - 8)

To approve as a correct record the Minutes of the meetings of the Licensing and Protection Committee held on 20th September 2017.

**Democratic Services  
388169**

**2. MEMBERS INTERESTS**

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

**3. CORPORATE ENFORCEMENT POLICY** (Pages 9 - 34)

To consider a report concerning the development of a Corporate Enforcement Policy for the Council.

**Finlay Flett  
388377**

**4. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS**  
(Pages 35 - 46)

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 31 December 2017.

**S Walford  
388002**

**5. LICENSING AND PROTECTION SUB COMMITTEE** (Pages 47 - 48)

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**

**6. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE 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.

**S Foster  
387075**

**7. DATE OF NEXT MEETING**

To note that the next meeting of the Committee will be held on Wednesday 7 March 2018 at 2pm.

Dated this 30 day of January 2018



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](http://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.*

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## 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



Public

## HUNTINGDONSHIRE DISTRICT COUNCIL

<b>Title/Subject Matter:</b>	Corporate Enforcement Policy
<b>Meeting/Date:</b>	Licensing and Protection Committee – 7th February 2018
<b>Executive Portfolio:</b>	Executive Councillor for Community Resilience, Well-being and Regulatory Services – Councillor Mrs A Dickinson
<b>Report by:</b>	Head of Community
<b>Wards affected:</b>	All

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### **Executive Summary:**

This report deals with the development of a Corporate Enforcement policy designed to operate across the 'Delivery' Directorate of the Council and encompassing regulatory services broadly within the remit of the Community Services and Development Services.

The principles of the policy are focused on securing 'certainty and consistency' in the Council's approach to breaches of regulatory control and how the Council will operate in terms of process and penalty in seeking to advise, guide and resolve such issues in the public interest and whilst aligning to the Council's strategic objectives for growth.

### **Recommendation**

The Committee is invited to contribute to the development of the Corporate Enforcement Policy by considering and providing comments on the draft Discussion Documents attached at Appendices A-C.

## **1. PURPOSE OF THE REPORT**

- 1.1 The Council has statutory responsibility for the regulation of a wide range of activities which impact upon our residents, visitors, communities and businesses. Within the 'Delivery' Directorate, these include environmental health, licencing and planning. In addition, the Council is also responsible for developing and implementing local regulations covering issues such as littering and dog control.
- 1.2 Allied to these responsibilities is the need for the Council to have an effective and efficient enforcement process that operates with due efficacy. The objective is to maximise clarity, certainty and consistency for everyone in the process as to how the Council will operate in resolving known breaches of regulatory control. Officers will be able to focus activity on timely and meaningful action. Members will be able to play a supporting ambassadorial role within their communities in explaining how such matter are resolved and the various actions and timescales involved to achieving solutions.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The aims in developing a single policy to cover regulatory enforcement have been to ensure, as far as possible, appropriate prioritisation of enforcement work, consistency of approach and clarity of expectation. Ultimately, this will be captured in a range of policy and operational documents, with an overarching Policy Statement 'on a page' as at Appendix A.
- 2.2 Council Officers will use the policy and matrix toolkit to ensure suspected breaches are investigated and resolved in a prioritised and proportionate manner, leading to the earliest feasible resolution and the focus of resources on a 'lean' approach to caseloads. The why and how of the Councils enforcement activities are set out, in draft, at Appendices B & C.
- 2.3 Ultimately, the wording of Appendices B & C may merge in to a singular supporting document, with the Matrix Model currently within Appendix C being the primary document of importance. The views of Overview & Scrutiny are sought on the content and format on those draft documents and comment on what would be easiest for Officer, Member and public use.

## **3. OPTIONS CONSIDERED/ANALYSIS**

### **Discussion Document 1 – Policy Development**

- 3.1 Discussion Document 1, attached at Appendix B, covers the general aims of enforcement, the national guidance and government expectations, and sets out guiding principles for enforcement activities.
- 3.2 In summary, the suggested Council approach is:
- ensuring compliance with the relevant legislation and associated regulations whilst enabling business growth;
  - supporting individuals or businesses to achieve compliance;
  - proportionate and transparent, with frequent and clear communication
  - solutions sought at the lowest level likely to secure compliance;

- penalty action in cases of serious breaches or where individuals or businesses are not co-operating in an open or timely way.

## **Discussion Document 2 – Guidance Development**

- 3.3 Discussion Document 2, attached at Appendix B, provides more detail on how enforcement will be carried out in practice. It sets out an enforcement model which details how different forms of breach will be prioritised, investigated and escalated toward achieving a compliance solution.
- 3.4 The matrix model is set out for easy reference as follows:-
- Types of breaches listed in the left hand column, with individual lines showing the available enforcement options and escalation routes;
  - White section showing the initial priority to be given to reports of potential breaches;
  - Coloured sections showing increasing levels of action and formality of enforcement interventions, from green through amber to red, with escalation of potential penalty;
  - Checked boxes showing options which would normally be discounted as inappropriate due to the nature of the breach.
- 3.5 The model maximises the certainty of actions to be taken but cannot be absolutely prescriptive, as the Council must retain an element of flexibility and discretion in determining the best way to resolve a breach. National guidance suggests formal enforcement should be a matter of last resort and there may be circumstance where breaches could simply be tolerated due to little demonstrable harm to the public or environment.

## **4. KEY IMPACTS / RISKS**

- 4.1 The introduction of a singular Corporate Enforcement Strategy for the 'Delivery' Directorate will enhance the certainty and consistency of the Councils activities around regulatory compliance and reduce the risk of process failures or customer confusion on outcomes and timescales.

## **5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- 5.1 The Corporate Enforcement Policy, as a key corporate policy, will ultimately require Council approval. Prior to that, the principles will be discussed at the related operational service committees i.e. Development Control Committee and Licencing and Protection Committee. All views and finalised documents will then be considered by Cabinet, for recommendation to Council for endorsement.

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

- 6.1 This policy will contribute to the Councils objectives of being an Efficient and Effective Council that is customer focussed and works strongly to enable growth, economic success and protect the environment.

## **7. CONSULTATION**

7.1 This policy has been evolved through Member reference groups and direct consultation with the Portfolio Holder and Chairmen of the relevant service Committees.

7.2 The comments of the Overview and Scrutiny Panel (Communities and Environment) and the Development Management Committee are attached at Appendices D and E for information.

## **8. LEGAL IMPLICATIONS**

8.1 The policy itself will be compliant with the general principles and objectives of national regulatory guidance, with Officers giving due consideration to detailed regulatory provisions relevant to that case when determining appropriate action on resolving a breach.

## **9. RESOURCE IMPLICATIONS**

9.1 The introduction of this policy will enable existing Officer resource to be focused on clear prioritised and timely actions, with the expectation of responsiveness from those in breach. This should lead to more efficient and effective working on 'lean' principles within existing resource capacity.

9.2 Effective implementation of the policy will also hinge on Members taking a proactive and ambassadorial role within their communities as to how the Council responds to enforcement activity and managing expectation.

## **10. REASONS FOR THE RECOMMENDED DECISIONS**

10.1 Adoption of a Corporate Enforcement Strategy responds directly to the need for the Council to have an effective and efficient enforcement process that operates with due efficacy. The objective is to maximise clarity, certainty and consistency for everyone in the process as to how the Council will operate in resolving known breaches of regulatory control.

## **11. LIST OF APPENDICES INCLUDED**

Appendix A – Policy Statement

Appendix B – Discussion Document 1 (Policy)

Appendix C – Discussion Document 2 (Guidance)

Appendix D – Comments of Overview and Scrutiny Panel (Communities and Environment) – 9/1/18

Appendix E – Comments of Development Management Committee – 18/1/18

## **BACKGROUND PAPERS**

None

## **CONTACT OFFICER**

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**HUNTINGDONSHIRE DISTRICT COUNCIL**

**STATEMENT OF CORPORATE ENFORCEMENT POLICY**

Huntingdonshire District Council (HDC) is the statutory regulator and enforcement body for a range of service areas, with statutory duty to ensure compliance.

HDC views effective regulation as being essential in providing a safe environment for the district of Huntingdonshire, its residents, its visitors and its businesses. Our regulatory work will support our residents and businesses and support our wider strategic objectives for sustainable growth.

We will investigate reports of regulatory breaches in a timely and transparent manner, with priority being given to potentially serious breaches and situations where immediate action may be required to ensure public safety or prevent permanent damage to vulnerable sites.

If enforcement action is required, we will take sequential action which is proportionate and transparent.

Where we find regulatory breaches, we will seek to work constructively with the individuals or businesses involved to rectify the situation. We will:

- identify regulatory breaches and advise on steps required to comply with the relevant legislation.
- advise on an acceptable timetable for achieving compliance
- take all necessary steps if voluntary compliance is not achieved.

If enforcement action is required, we will take sequential action which is proportionate and transparent, and ultimately, Court action of necessary.

These policy principles will be detailed in an operational guidance document for Council officers, setting out expectations for investigating and taking enforcement action against identified regulatory breaches and the associated steps for action on each main type of scenario.

January 2017 V1

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**DISCUSSION DOCUMENT 1: - Corporate Enforcement Policy**

**Purpose of the Policy**

The purpose of this policy is to provide certainty and consistency in an over-arching framework that explains the Council's approach to its regulatory duties, guides Officers in enforcement work and offers insight into the role of enforcement in the achievement of the Council's wider strategic objectives. The policy will help us achieve transparency and consistency and make sure that enforcement is effective and proportionate. It will help keep the public and environment safe while supporting the general aim of enabling growth.

**Aim of the Policy**

The aim of this policy is to establish a regulatory and enforcement framework that enables the Huntingdonshire area to be successful by ensuring expedient compliance with the various regulatory regimes within which the Council provides its services. In delivering effective regulation and enforcement, we will be proportionate, transparent, fair and effective, working at the lowest possible level to help individuals and businesses comply with the law and the associated regulatory guidance.

Establishing this policy is intended to clarify the Council's potential responses to different forms of regulatory breach without restricting its enforcement options.

The intent of the policy is to be clear that, in regulating activities, the Council will work with those being regulated to help achieve compliance. It is also to set clear expectations that, if required, the Council will escalate actions and take enforcement if non-compliance continues. We will be clear about process and clear about whether particular activities can continue or need to be ceased.

**Helping to deliver Huntingdonshire's priorities**

Effective regulation and appropriate enforcement linked with this policy will contribute to the delivery of Huntingdonshire District Council's strategic aims. This policy will make specific contributions to Huntingdonshire's priorities as outlined below:

**Enabling Communities**

*Objective: - Create, protect and enhance our safe and clean built and green environment*

Regulatory services impact on the environment and the use of land and premises. Effective regulation and enforcement will help protect these and make sure that individuals and businesses act responsibly when accessing and interacting with the environment.

**Delivering Sustainable Growth**

*Objective: - Accelerate business growth and investment*

*Objective: - Support development of infrastructure to enable growth*

Our aim is to develop and operate regulatory and enforcement services which help, not hinder businesses in their operation and growth. We aim to ensure compliance with the law through the provision of a range of services including, advice, information and appropriate support- with targeted and proportionate enforcement only when necessary.

**Becoming a More Efficient and Effective Council**

*Objective: - Become more efficient and effective in the way we deliver services*

*Objective: - Become a customer focused organisation*

The development and delivery of a corporate enforcement policy will help us focus on issues which are important and reflect the needs of our community, helping individuals and businesses comply with their legal responsibilities. This approach will help us become more efficient, removing duplication, streamlining processes and ensuring consistency and certainty of approach as we work within multiple legal frameworks.

### **Scope of the Policy**

This policy provides an over-arching framework for enforcement linked to the Council's regulatory duties so will provide a banner under which these services operate. It will establish a set of common principles and objectives within which these will be provided, allowing our customers to understand our approach and have a reasonable expectation of how we will carry out regulatory and enforcement activity, whatever specific services are involved.

Some of our work is governed by specific legislation and statutory guidance which sets out prescribed procedural approaches which must be followed. This policy is not intended to over-write or contradict these, rather it is to explain the Council's approach to regulation and enforcement in general terms.

The policy will cover the following service areas:

- Animal Health and Welfare, including dog control;
- Animal licensing;
- *Building control*;
- Community Safety, including Anti-Social Behaviour and Enviro-Crime;
- Environmental Health, including food safety, pollution control, nuisance;
- Private sector housing ;
- Health and Safety;
- Licensing, including personal, premises and event licences, Hackney carriage and private hire regulation;
- Planning and Development Management;
- *Waste collection and disposal*.

This is intended to be an indicative rather than an exhaustive list and will be subject to change over time should the Council's regulatory duties change in the light of legislation, statutory guidance or case law.

The policy will cover all incidents, accidents, activities, actions or acts of omission by individuals, organisations or businesses which are in breach of legislation and which have the potential, if unchecked, to result in legal action.

The policy will not include enforcement activities linked to off-street parking, benefit issues, fraud and serious crime, which are covered by service-specific protocols.

### **Regulation and Enforcement**

Many aspects of our lives are controlled by the law. The Government has legislated to control individuals, businesses, processes and our impact upon the environment. Generally, this legislation is in place to protect the public and the environment from misuse and hazard. The Council has a statutory duty to monitor, regulate and enforce in a range of areas set out by the Government.



We will take an approach to regulation which is risk-focussed and intelligence-led. Our inspection activities will be targeted at areas, activities, individuals and businesses which pose the most significant risks and we will act appropriately on data and received information to target our work.

We believe that the vast majority of individuals, organisations and businesses want to comply with the law. Wherever possible, we will help them to do so. As a general rule, our contact will be supportive and, wherever possible, we aim to ensure compliance with legislation through the provision of support, advice and information- ensuring that we promote understanding of both statutory responsibilities (minimum standards) and good practice (desirable standards). Where things have gone wrong, our primary focus will be to ensure that they can be put right and that the public are protected from the impact of poor practice. In all cases, our activities will be delivered in a clearly articulated timescale and our officers will clearly communicate expectations and next steps.

On occasion, it will be necessary for us to take action under the relevant statutory framework. This may be due to finding serious problems, finding issues which present dangers to people or the environment, finding issues which have not been resolved satisfactorily despite previous advice or action, or finding evidence of criminal acts. In these cases, we will act in a manner which is fair, consistent and proportionate to the individual set of circumstances we are dealing with at the time.

### **Our approach to Enforcement**

Enforcement will aim to protect and enhance the environment of Huntingdonshire and to protect and improve the quality of life of its residents and businesses.

The Council is committed to providing a timely, robust and proportionate, regulation and enforcement system for the issues which we are responsible for. When we are carrying out enforcement activity, we will do so fairly, in accordance with a nationally recognised set of principles, and by officers who are competent, suitably experienced and appropriately authorised to carry out this important work.

Where appropriate, we will work with partners and other appropriate external agencies to assess risk, exchange information, process data and provide appropriate and proportionate enforcement services.

### **Enforcement principles**

The Council is committed to the principles of good enforcement set out in the **Enforcement Concordat** and other guidance issued by Government departments. These principles are:

- **Standards:** We will set clear standards for our level of service and performance. We will monitor our performance and strive to improve;
- **Openness:** We will Provide information on regulations and enforcement practice, discuss compliance failures or problems with anyone experiencing difficulties. We will disseminate information widely and we will be approachable to business;
- **Helpfulness:** We will provide clear advice, confirmed in writing if appropriate. We will distinguish between best practice advice and legal requirements. We will consider providing an opportunity for discussion before formal enforcement action. We will give a clear explanation of the need for any immediate action. We will focus on preventative activity.
- **Complaints:** We will welcome complaints regarding our enforcement and investigate them thoroughly where there are clear material issues;
- **Proportionality:** We will aim to tailor enforcement action to minimise costs of compliance. We will prosecute when proportionate to bring serious offenders to account;

- **Consistency:** We will have effective arrangements to promote consistency and, where appropriate, liaise with other enforcement bodies;

We will apply the principles of the **Regulators' Compliance Code** to promote an efficient and effective approach to regulatory inspection and enforcement, improving the outcome of regulation without imposing unnecessary burdens on individuals or businesses. These principles are:

- Regulators should allow, or even encourage, economic progress and only intervene when there is a clear case for protection;
- Regulators should use comprehensive risk assessment to concentrate resources on the areas that need them most;
- Regulators should provide authoritative advice easily and cheaply. No inspection should take place without a reason;
- Businesses should not have to give unnecessary information;
- Businesses that persistently break regulations should face meaningful sanctions;
- Regulators should be accountable for the effectiveness of their activities.

If necessary, enforcement may be carried out by the Council, in association with appropriate partners, or through the appropriate Primary Authority if one exists.

#### **Responding to reports of possible regulatory breaches**

Reports of potential breaches will receive an initial assessment in order to determine whether a prioritised (urgent) response is required, whether there is possible offending taking place and which officers should lead on any necessary investigation and enforcement.

#### **Investigations**

Where necessary, we will carry out investigations in order to determine whether the law has been broken and to gather an appropriate amount and standard of evidence to provide a sufficient standard of proof to meet the requirements of the level of enforcement which is deemed appropriate. These investigations will be carried out within a prescribed timescale, dependent upon the nature of the breach.

Investigations may involve: monitoring environmental or other physical data; conducting interviews, either informally or under PACE (Police and Criminal Evidence Act) conditions, taking photographs, taking video recordings; monitoring via overt or covert CCTV, using powers of entry to gain access to premises or other legally available means deemed necessary and proportionate. Investigations will prioritise the early identification of all relevant parties in order that any necessary action will not be delayed unduly.

All investigations will be undertaken in adherence with the relevant statutory requirements of the legislation involved and will be compliant with the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012. All information shared with other agencies will be in accordance with agreed Information Sharing Protocols. All information will be handled in accordance with the Data Protection Act and all current data protection guidance.

#### **Enforcement Action**

Being committed to the principles outlined above, wherever possible our approach will be to resolve problems and ensure safe operations and appropriate protection of the public and the environment. We will aim to provide advice and information and be clear in this about the difference between good practice advice and legal requirements. Where intervention is required, we will aim to provide informal interventions, only proceeding to formal interventions and legal action where this is

necessary, proportionate and in the public interest. Instances of non-compliance and failure to co-operate will lead to an escalation of action.

Where we take action, this will have the objectives of achieving compliance with the relevant legislation within a reasonable, explicitly stated, timescale and, if appropriate, seeking appropriate redress from the individual, organisation or business which is subject to this action.

Action will be proportionate to the harm caused by the offence. Harm will be assessed in terms of direct impact of the offence and any potential indirect impact.

Informal action could include: providing verbal advice; accepting voluntary undertakings; giving verbal warnings. It is likely that advice requiring improvement works or acceptance of voluntary undertakings to carry out improvements will be time-bound, generally offering a period of up to one month to make such improvements as are deemed appropriate.

Informal action may be deemed appropriate in situations where, for example, a first offence, the offence considered is minor or has low impact, compliance is readily achievable, the offender has sought advice to resolve a problem.

Formal action could include; a warning letter; a 'letter before action' a statutory notice; a fixed penalty notice; amending licence conditions, referral to Licensing Panel; simple caution; civil court proceedings; criminal court proceedings. The requirements of warnings and notices will be time-bound, generally offering a period of up to one month to make such improvements as are deemed appropriate. Ordinarily, due to evidential requirements, all steps prior to court action will take place in a period of less than six months from the initial identification of a possible offence.

Formal action may be deemed appropriate in situations where, for example, the offence is serious, the offence has a high impact on individuals, the community or the environment, is a repeat offence, previous action has not resulted in compliance, compliance is considered unlikely, statutory process states that this is required.

Generally, formal action would be preceded by an informal stage involving information, advice or warning. However, immediate formal action may be taken in situations where this is appropriate and proportionate.

Where formal action includes court proceedings, the Council will seek to recover its costs following a successful prosecution. In preparing court proceedings, we will consider the appropriateness of the full range of sanctions including (but not limited to) injunctions, restorative justice, and use of the Proceeds of Crime Act against individuals being prosecuted.

These are outlined as examples of possible sanctions and scenarios, not as an exhaustive list.

We will generally aim to enforce at the lowest level which is consistent with achieving compliance or taking sanction against non-compliance. However, in serious cases, in cases where there has been repeated offending, or in cases where initial action has not been effective in achieving compliance, it may be necessary to take immediate action at higher levels.

When deciding the most appropriate enforcement method, we will consider the full circumstances of each individual case, taking account of a wide range of issues including:

- The seriousness of the situation;
- The circumstances of the case and the likelihood of recurrence;

- The different options for achieving compliance with the relevant law;
- The level of risk to the public and the environment;
- Any relevant previous history of the offender or location, including the existence of existing control measures, e.g. conservation area, area subject to public space protection order;
- The likelihood of achieving a satisfactory outcome;
- Any relevant precedents;
- The attitude of the offender;
- Legal imperatives, e.g. statutory requirements to follow a particular process;
- Relevant guidance;
- The availability of admissible evidence;
- The prevalence of the offence locally or nationally;
- The public interest.

We will put appropriate internal controls and management checks in place to ensure that enforcement activity is appropriately authorised, appropriately recorded, is carried out in accordance with the principles outlined in this policy and we will ensure that all formal enforcement is appropriately authorised, compliant with statute and subject to appropriate quality assurance checks.

#### **Enforcement with other agencies**

We will liaise appropriately with other agencies in cases where our investigations indicate that there is a possibility that investigation or enforcement may be required which is outside the Council's area of responsibility. This may be in addition to the Council's actions or may replace Council action if another agency is able to be more effective or apply more pertinent legislation. Similarly we will accept referrals from external agencies if their work indicates that investigation or enforcement may be required in an area which is within our remit. We will exchange information with these agencies in line with our responsibilities under locally agreed information sharing protocols and our statutory duties to share information.

#### **Conflict of Interest and Undue Influence**

We will be impartial in carrying out our enforcement duties. Our intention is to regulate and enforce "without fear or favour". The Council has a procedure to deal with conflicts of interest and allegations of undue influence being brought to bear on enforcement decisions. Complaints made in connection with these matters will be investigated using the Council's complaints procedure.

#### **Equalities**

We are committed to fair and objective enforcement and to enhancing good community relations. This policy will be applied in a non-discriminatory manner. An Equalities Impact Assessment has been carried out as part of the approval process and equalities issues will be monitored and reported to senior management periodically.

#### **Implementation**

This policy covers the roles of officers in providing a regulatory framework and in taking enforcement action linked to this framework. The policy covers actions up to the point of hand-over to the judicial (court) or quasi-judicial (e.g. Licensing Panel, Planning Committee) process. Where these quasi-judicial processes involve Council Members, we will ensure clear separation of roles between the regulation, investigatory and enforcement roles.

#### **Review**

This policy will be reviewed after 5 years or if there is a substantive change to underlying legislation which impacts on the operation of the policy.

**DISCUSSION DOCUMENT 2:- Corporate Enforcement Guidance/Protocol**

This guidance document is intended to provide operational guidance on the application of the council's Corporate Enforcement Policy. This guidance should be read in conjunction with the most up to date version of the policy.

**Policy statement**

The Council is committed to providing a speedy, robust and proportionate, regulation and enforcement system for the issues which we are responsible for. When we are carrying out enforcement activity, we will do so fairly, in accordance with a nationally recognised set of principles, and by officers who are competent, suitably experienced and appropriately authorised to carry out this important work.

In delivering effective regulation and enforcement, we will be proportionate, transparent, fair and effective, working at the lowest possible level to help individuals and businesses comply with the law and the associated regulatory guidance.

**Scope**

The corporate enforcement policy covers the following service areas.

- Animal Health and Welfare, including dog control
- Animal licensing
- Community Safety, including Anti-Social Behaviour and Enviro-Crime
- Environmental Health, including food safety, pollution control, nuisance
- Health and Safety
- Licensing, including personal, premises and event licences, Hackney carriage and private hire regulation
- Planning and Development Management
- Waste collection and disposal

This is intended to be an indicative rather than an exhaustive list and will be subject to change over time should the Council's regulatory responsibilities change in the light of legislation, statutory guidance or case law.

The policy covers all incidents, accidents, activities, actions or acts of omission by individuals, organisations or businesses which are in breach of the letter or spirit of current legislation and which have the potential, if unchecked, to result in legal action.

The policy does not cover the following services:

- Off-street parking
- Fraud
- Benefits issues

The policy does not cover offences which are outside the regulatory scope of the District Council.

**Response to Complaint or Service Request**

**Initial screening**

All complaints received will be subject to an initial screening which will highlight cases which require a high priority response. This initial screening will identify the most appropriate service and officer

to lead and manage the Council response. This will be particularly important in cases which require input from more than one service.

### **Standards for response**

Cases not requiring a high priority response will be dealt with in line with standard service targets, generally acknowledging a complaint and, if appropriate, starting an investigation within 10 working days.

A high priority will normally be given to cases where providing a standard response would endanger the public or stop a serious offence or breach of regulation being committed. The aim is to attend as soon as an appropriate officer is available and start an investigation into these cases within one working day.

Examples of cases requiring a high priority response would include:- situations placing the public in imminent danger; public health incidents; food safety incidents; incidents requiring a response under the council's emergency planning arrangements; reports of works being carried out to listed buildings or trees subject to preservation orders.

### **Investigation and Enforcement**

#### **Principles**

Investigations and enforcement, where required, will be proportionate and transparent.

The privacy and confidentiality of individuals making complaints will be respected.

The broad process of investigation and enforcement is summarised in the model contained in this document, attached at Appendix 1. This model describes a process of fact-finding, followed by a spectrum of options for achieving compliance or, where appropriate, delivering enforcement.

In summary, the model outlines two levels of activity:- investigation/informal action; and formal action. Working through a spectrum of options, the model outlines 5 stages of investigation, informal action and formal enforcement activity. Each of the stages contains a number of options which may be selected as appropriate, following consideration of the specific circumstances.

The model presents a range of possible offences/issues and describes a generalised enforcement progression which can be followed in order either to gain compliance or take proportionate enforcement action. The steps shown are not necessarily a strict progression as, in many cases, several options exist at any given point and the model shows the range of options.

All complaints will be resolved at the lowest level/stage which is consistent with the severity and/or likely impact of the issue being considered.

All complaints will receive an initial assessment to determine whether an investigation is required and, if so, the most appropriate service and officer to lead the response.

All complaints passing initial assessment will be subject to Stage 1 (Fact Finding) in order to establish the circumstances and background.

Officers should be clear with individuals and companies involved in breaches and should communicate, as a minimum, the following information:

- The nature of the breach being considered
- Whether this is a statutory issue or whether guidance on best practice is being given
- What actions are required to correct the breach, if this is being allowed
- What enforcement actions are being taken, if this is the case
- The timetable for compliance to be achieved, or for the next stage in enforcement being taken
- If a “next step” is planned, what this is and when it will take place.

If the fact finding indicates that a breach is taking place or a regulatory issue exists, the case will generally escalate to Stage 2 (Officer Liaison) in order to seek resolution. This may involve working to achieve compliance informally or via education.

If this is the case, officers should consider serving notice to require details of individuals and companies connected with the breach at an early stage so that a lack of this information does not delay later enforcement, should this be required.

If the impact or severity of the issue warrants it, there can be immediate escalation to Stage 3 (Formal Process), Stage 4 (Quasi-Judicial Process), or Stage 5 (Judicial Process).

The model shows the following guidance for each of the offence types listed:

- The expected response (standard, urgent, or referral to another agency if the issues is not in the scope of the council’s powers);
- The expected first level of engagement, considering the impact/severity of the offence type;
- The expected follow-up process in the event that the initial engagement does not achieve an appropriate outcome;
- Actions which would not normally be considered appropriate (shaded out on model)

Follow up actions may fall within the same level, or be at an escalated level, as appropriate to the specific circumstances. For example, Advice Letter and Written Warning are both aspects of Officer Liaison but the warning could be an appropriate follow-up step if advice does not achieve the desired outcome.

Some breaches may be considered relatively minor but warrant a relatively severe initial action due to the combination of severity/impact/background. For example, littering may warrant the immediate issuing of a Fixed Penalty Notice (FPN) because it occurs in an area with a history of littering which is protected by a Public Space Protection Order (PSPO). In this case, the issuing and publicising of the PSPO would be viewed as having, in itself, covered the earlier phases of the model. Similarly, an unauthorised advertising hoarding may merit immediate prosecution due to safety or amenity issues.

Some breaches may require referral to, or enforcement by, an external agency (e.g. the Planning Inspectorate, the Environment Agency, the Police). If this is the case, all relevant parties should be informed that this is being carried out.

### **Factors taken into consideration**

When deciding the most appropriate enforcement method, the full circumstances of each individual case should be considered, including:

- The seriousness of the situation;
- The circumstances of the case and the likelihood of recurrence;
- Mitigation or circumstances which need to be considered, e.g. Disability;
- The different options for achieving compliance with the relevant law;

- The level of risk to the public and the environment;
- Any relevant previous history of the offender or location, including the existence of existing control measures, e.g. conservation area, area subject to public space protection order;
- The likelihood of achieving a satisfactory outcome, including deterring further offending;
- Any relevant precedents;
- The attitude of the offender;
- Legal imperatives, e.g. statutory requirements to follow a particular process;
- Relevant guidance;
- The availability of admissible evidence;
- The prevalence of the offence locally or nationally;
- The public interest.

#### **Authorisation of enforcement and escalation**

Actions in Stages 1, 2 and 3 can be carried out at the discretion of appropriately authorised officers.

Head of Service authorisation and formal legal advice is required for all cases proceeding to Stages 4 or 5. [check who can authorise quasi-judicial or judicial actions in Planning]

#### **Authorisation for exceptions**

In cases where the model indicates that the appropriate action would fall in Stage 4 or 5 and the investigating officer wishes to carry out enforcement action at a lower stage, this must be authorised by a Head of Service.



Example of Issue	Triage	Investigation and informal action									Formal Action							Notes		
		Stage 1: Fact Finding			Stage 2: Officer Liaison						Stage 3: Formal Process			Stage 4: Quasi-Judicial Process			Stage 5: Judicial Process			
	Assessment for priority and allocation of lead officer and	Standard Response (days)	Urgent Response (days)	Agency Referral Response	Information	Advice Letter	Permit to Operate	Invitation to Regularise	Verbal Warning	Written (inc. CPW) Warning	Formal Notice	CPN	FPN (or equivalent)	Delegated Action	Committee* Hearing	Statutory referral (eg HSE)	Injunction Application		Offence Prosecution	Breach Prosecution
<b>Community Safety</b>																				
Anti-Social Behaviour/Disorder	<i>On receipt</i>	3	1	x					x	x		x	x					x	x	
Breach of council order (eg PSPO)	<i>On receipt</i>	3	1									x							x	
Enviro-crime (e.g. flytipping)	<i>On receipt</i>	5	1									x						x		
Community nuisance issues	<i>On receipt</i>	5			x				x	x		x						x	x	
Littering		3			x							x						x		
Abandoned vehicles	<i>On receipt</i>	3	1			x						x						x		
General dog control (excluding PSPO breach) issue	<i>On receipt</i>	5			x				x	x		x							x	
Breach of dog control PSPO	<i>On receipt</i>	5			x							x							x	
Stray dog	<i>On receipt</i>		1									x								
<b>Environment Protection</b>																				
Statutory nuisance - domestic	<i>On receipt</i>	5			x	x			x		x								x	
Statutory nuisance - business	<i>On receipt</i>	5			x	x			x		x								x	
Pollution	<i>On receipt</i>		1		x	x	x	x	x		x								x	
Pests - failure to control	<i>On receipt</i>	5			x	x			x		x								x	
Major incident	<i>On receipt</i>	5							x	x								x		
<b>Environmental Permits</b>																				
Operating without permit	<i>On receipt</i>		1				x	x	x	x								x	x	
Breach of permit conditions	<i>On receipt</i>		1				x	x	x	x								x	x	
<b>Housing regulation</b>																				
Conduct of responsible person/company	<i>On receipt</i>	3				x			x									x		
Housing safety hazards	<i>On receipt</i>	5	1			x			x	x									x	
HMO licensing- operating without licence	<i>On receipt</i>	5				x		x	x	x									x	
HMO licensing- breach of conditions	<i>On receipt</i>	5				x		x	x	x									x	
Overcrowding	<i>On receipt</i>	5				x			x										x	
Tenant harassment	<i>On receipt</i>	3	1			x			x	x									x	

Illegal evictions	<i>On receipt</i>		1			x			x									x		
Empty properties	<i>On receipt</i>	5				x			x									x		
Caravan site- operation without licence	<i>On receipt</i>	5						x	x									x		
Caravan site- breach of conditions	<i>On receipt</i>	5				x			x									x		
<b>Activities regulated by Licencing Act 2003</b>																				
Operating without licence	<i>On receipt</i>	5				x	x		x									x		
Breach of licence conditions	<i>On receipt</i>	5				x	x		x									x		
Conduct of licensee	<i>On receipt</i>	5				x	x		x									x		
Serious Crime linked to licensable activity	<i>On receipt</i>																			
<b>Licensing- other than under Licencing Act 2003</b>																				
Operating without licence	<i>On receipt</i>	5				x	x		x									x		
Breach of Conditions	<i>On receipt</i>	5				x	x		x									x		
Conduct of the Operator	<i>On receipt</i>	5				x	x		x									x		
Serious Crime linked to licensable activity	<i>On receipt</i>																			
<b>Taxi and Private Hire</b>																				
operating without licence	<i>On receipt</i>	5				x	x		x									x		
Breach of licence conditions	<i>On receipt</i>	5				x	x		x									x		
Vehicle condition requirements	<i>On receipt</i>		1															x		
Conduct of operator	<i>On receipt</i>																			
<b>Food Hygiene</b>																				
Operating without registration	<i>On receipt</i>	5				x	x		x									x		
Operating without approval	<i>On receipt</i>		1			x	x		x									x		
Contraventions of hygiene legislation	<i>On receipt</i>		1			x	x											x		
<b>Health and Safety- Local Authority enforced</b>																				
Contravention of legislation	<i>On receipt</i>	5	1	x		x	x		x	x								x	Response proportionate to incident	
<b>Public Health</b>																				
Infectious disease control	<i>On receipt</i>		1															x		
<b>Planning</b>																				
Unauthorised development likely to cause a <b>serious risk to health and safety</b> , e.g. <ul style="list-style-type: none"> <li>• traffic hazards</li> <li>• causing pollution or on contaminated land</li> <li>• at risk of or causing flooding</li> </ul>	<i>On receipt</i>	10	1 or 3						x	x	x							x	x	x

<p>Unauthorised development likely to cause <b>significant harm to amenity, health and safety or the environment</b>; the integrity of planning decision-making; public acceptance of decision-making, e.g.</p> <ul style="list-style-type: none"> <li>building work that is unlikely to be given approval without significant modification</li> <li>unauthorised uses causing serious loss of amenity through noise or smells</li> </ul>	<i>On receipt</i>	10	1 or 3				x	x	x	x								x	x	
<p>Unauthorised development likely to cause <b>less than significant harm</b>, e.g.</p> <ul style="list-style-type: none"> <li>building work that may require modification</li> <li>uses that may require restriction</li> </ul>	<i>On receipt</i>	10				x	x	x	x	x								x	x	
<p><b>(Unauthorised development types which can fall into any the above categories for action)</b></p> <ul style="list-style-type: none"> <li>creation of vehicle and pedestrian access means of enclosure (gates, walls, fences etc.)</li> <li>engineering operations works other than buildings) <ul style="list-style-type: none"> <li>commercial extensions</li> <li>commercial outbuildings</li> <li>domestic extensions</li> <li>domestic outbuildings</li> <li>satellite dishes and aerials</li> </ul> </li> <li>development not in accordance with approved plans</li> <li>breach of planning conditions</li> <li>material change of use (to uses including commercial, residential and houses in multiple occupation)</li> <li>businesses operating at residential properties</li> <li>residential caravans (including gypsies and travellers)</li> </ul>																				
<p>Buildings or land detrimental to amenity</p>	<i>On receipt</i>	10			x	x		x	x	x	x		x					x	x	
<p>Demolition of a protected building (listed buildings)</p>	<i>On receipt</i>		1				x	x	x	x			x			x	x	x	x	Possible immediate offence

Alterations to a protected building (listed buildings)	<i>On receipt</i>		<b>3</b>				x	x	x	x			x			x	x	x	Possible immediate offence
Loss of or damage to protected trees (trees with a Tree Preservation Order and trees in Conservation Areas)	<i>On receipt</i>		<b>1</b>				x	x	x	x			x				x	x	Possible immediate offence
Display of unauthorised advertisements	<i>On receipt</i>	<b>10</b>					x	x	x	x			x				x	x	Possible immediate offence
Flyposting	<i>On receipt</i>	<b>10</b>					x	x	x	x	x		x				x	x	Power to remove or obliterate offence
Conservation areas – unauthorised demolition	<i>On receipt</i>		<b>1</b>				x	x	x	x			x				x	x	Possible immediate offence
Conservation areas – unauthorised work to trees	<i>On receipt</i>		<b>1</b>				x	x	x	x			x				x	x	Possible immediate offence
Protected trees (unauthorised cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of a tree subject to a Tree Preservation Order)	<i>On receipt</i>		<b>1</b>				x	x	x	x			x			x	x	x	Possible immediate offence

**Notes:-**

Corporate response standard is 10 working days

Where more than one response is shown at a given stage, this indicates that these are available options, NOT that each should be followed in sequence. More than one response can be provided out at any stage and these may be sequential.

References to offences being dealt with by Committee may mean being dealt with by Tribunal for certain Housing offences

**Abbreviations used:-**

CPN Community Protection Notice

CPW Community Protection Warning

FPN Fixed Penalty Notice

PSPO Public Space protection Order

HMO House in Multiple Occupation

DRAFT

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**DRAFT MINUTE FROM OVERVIEW AND SCRUTINY PANEL (COMMUNITIES AND ENVIRONMENT) – 9th January 2018**

**CORPORATE ENFORCEMENT POLICY**

With the aid of a report by the Head of Community (a copy of which is appended in the Minute Book), the Corporate Enforcement Policy was presented to the Panel.

Members were given a brief introduction to the report and were informed that the Policy will outline a number of regulations that individuals and business are required to adhere to and states the sanctions if they are breached.

Following the introduction of the report, the Panel stated that they welcomed the approach of working across services. A Member added that they would like the Policy to specifically mention fly posting, unauthorised A Boards and Estate Agent signs. In response, Members were informed that the offences mentioned could be included as part of environment crime, although the Council has to balance what offences are a priority.

In response to a question regarding the handling of a fly tipping report by the Call Centre, the Panel was informed that the report would be forwarded to two departments, one to enforce and the other to clear up. The matrix within the Policy defines which department is responsible to respond.

Following a question on how the Council would enforce the Policy, the Panel was informed that ensuring that it is enforced consistently is important. The Policy has to be concise and understandable to residents and businesses. It also needs to be an effective deterrent. Members were informed that public reporting is crucial to the success of the Policy and publicising the Council's successful enforcement is important for public confidence in the Policy and the Council.

In response to a question about collaboration with other local authorities, in regards to persistence offenders, the Panel was informed that where possible the Council does share information with other local authorities however it is not a systemic as it could be.

Following a question regarding abandoned vehicles it was clarified that a report of an abandoned vehicle would be responded to within three days but it wouldn't necessarily be removed.

The Panel commended the Policy and stated that the Policy is what is expected but urged that the Policy specifically states the offences of fly posting, unauthorised A Boards and Estate Agent signs.

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**DRAFT MINUTE FROM DEVELOPMENT MANAGEMENT COMMITTEE – 18th January  
2018**

**CORPORATE ENFORCEMENT POLICY**

With the aid of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee gave consideration to proposed terms of a Corporate Enforcement Policy. The Policy would apply to regulatory services with the Community Services and Development Services sections and identified the other organisations to which the Council would refer some enforcement matters.

Having been acquainted with the deliberations of the Overview and Scrutiny Panel (Communities and Environment), Members stressed the importance of the Cambridgeshire District Councils working in partnership to achieve consistent enforcement standards. It was pointed out that the different political contexts at the other Districts meant their priorities differed, however they had all signed the enforcement concordat. The Policy would be shared with the Council's Shared Service partners.

In response to a question by a Member, it was confirmed that all potential courses of enforcement action would be accounted for in the Policy. The aim was to resolve matters as quickly and simply as possible. Following a further question by a Member on resourcing of the Policy, the Committee was informed that the Policy was intended to set down the current level of enforcement so no additional resources would be required. The Policy would enable better decisions to be taken on future changes to enforcement activities.

It was suggested that the Policy should include timescales in which it could be expected that enforcement action would be completed. Examples and flowcharts for various enforcement processes would be added to the Policy. It was further suggested that monitoring of processes, effectiveness and timescales of activities covered by the Policy should be undertaken and reported to Members. Members were informed that the Policy would inform Officers' performance targets and future reviews of the Corporate Plan. In addition, from April Officers would be working with colleagues at other Cambridgeshire authorities, including sharing best practice, learning from experience and ensuring common approaches were taken where action crossed boundaries.

**RESOLVED**

that subject to the comments made, the Corporate Enforcement Policy be endorsed.

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**Public  
Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

<b>Title:</b>	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
<b>Meeting/Date:</b>	Licensing and Protection Committee – 7 <sup>th</sup> February 2017
<b>Executive Portfolio:</b>	Executive Councillor for Community Resilience, Well-Being and Regulatory Services - Cllr Angie Dickinson
<b>Report by:</b>	Operational Manager (Business) – Susan Walford
<b>Ward(s) affected:</b>	All

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### **Executive Summary:**

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2017-18 were approved by committee in June 2017.

This monitoring report covers the period from 1 April 2017 to 31 December 2017. The first nine months of the implementation of these plans. 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.

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.

The team have carried a vacancy for most of this year and whilst this is impacting on targets and service delivery, management of workload by prioritising higher risk interventions and complaints whilst continuing to provide business support has maintained the quality of the service.

### **Recommendation(s):**

Members are requested to:-

1. Consider the report noting progress and providing comment on progress of the delivery of the two Service Plans for the period 1 April 2017 to 31 December 2017.

## **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 31 December 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 the following 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. The key activities of compliance revisits and sampling visits are all green. The alternative enforcement strategy is currently at amber; this is not currently a concern as these are our low risk premises and will be picked up in the fourth quarter of the year.
- 4.3 Figure 1 shows our position in delivering the programmed intervention programme. There are 170 outstanding category A-D premises requiring an intervention before the end of March. Whilst the indicator is red it is likely that official controls will be undertaken in all high risk premises (A and B), those rated C and D that are broadly compliant may be subject to an alternative intervention other than a full or partial inspection. Current enforcement activity is low with businesses generally compliant (figure 2); however one Huntingdonshire business is resisting support to bring them to compliance and following two voluntary closures the food business operator is being prosecuted. Notices served at another premises relate to training of staff, following this training there has been a positive impact on both the business and the general compliance with hygiene standards.
- 4.4 Our new format food hygiene training programme was launched over the summer and three courses have been held to date with a very high success rate.

- 4.5 Primary Authority work continues with Cambridgeshire Catering Services. Amendments implemented in the Enterprise Act 2016 aims to extend and simplify the process enabling all UK businesses to benefit including pre-start-ups. Regulatory Delivery the section of government who promote primary authority expects 250,000 businesses to be included by 2020. Our aim is to be able to support local business into a primary authority partnership where possible.
- 4.6 The service plan also refers to two new initiatives that are being explored for roll out by the team.
1. Regulatory Delivery supported a county-wide workshop to introduce the Better Business for All project to regulators in December. Business representatives such as the LEP, Chamber of Commerce and the Federation of Small Businesses were represented as well as most regulatory services, all local authorities and economic development officers. A working group is being set up in order to plan how we can best support compliant economic growth with vibrant villages and town centres.
  2. The Healthier Options programme is progressing supporting wider council initiatives on healthy eating strategies. Uptake has been slow from food outlets but an Indian restaurant in St Neots has registered an interest and is considering ways to improve its menu and cooking methods.
- 4.7 The Food Standards Agency continues to develop their Regulating our Futures programme. This is the new strategic plan for delivering food safety and standards in the UK. The aim is a sustainable, flexible and adaptive system designed to leverage changes in business's behaviour, rather than to deliver regulation in the traditional sense. Recent developments have seen:
- The launch of a video describing the new target operating model. This takes a virtual food business on a journey through the future stages of regulation <https://www.food.gov.uk/enforcement/regulation/regulating-our-future> this will remain with the local authority in whose area it is
  - Enhanced registration focussing on capturing better information so we know more about each business and can more easily assess their risk before they start operating.
  - Segmentation. Not all businesses present the same risks to the public, so each business will be assessed to decide if, how and when they need to be inspected change of ownership, data from other agencies and the nature of the business. We will then be able to make proportionate decisions on getting the evidence that businesses are fulfilling their legal obligations.
  - We will use a range of sources as evidence to help assess whether businesses are providing food that is safe and what it says it is. Developing confidence in businesses that they are doing the right thing.
  - Intervention, firm and prompt action will be taken to protect consumers when businesses aren't meeting their responsibilities.
  - The FSA will have oversight of the whole system. Understanding businesses and anticipating risk will make it much easier to spot when problems arise.

It is envisaged that changes will be made to the code of practice this year to enable some of these operational measures to be introduced; specific consultation on these changes will take place in March. Enhanced registration and the risk engine approaches are still being developed and are not likely to be implemented until next year. It is possible that we will be asked to take part in a pilot exercise in the near future if resource allows.

- 4.8 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. The number of inspections carried out is down with reported accidents being higher than envisaged and taking resources.

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

4.10 Resources continue to be channelled into investigation and research around the recent work place death reported at Hamerton Zoo. Liaison with the police, HSE and the wider zoo community involves considerable officer time. The coroners hearing in November set a date of 21 May 2018 for an inquest with jury and we are working with the coroner and specialist advisers to ensure that any outcome will result in recommendations to prevent a further recurrence.

4.11 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. Current performance is encouraging given the amount of resource being deployed into the fatal accident investigation and the continuing vacancy in the team. A recruitment drive is currently underway which will hopefully resolve this issue.

## **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

Mrs Susan Walford  
Operational Manager (Business)  
Tel 01480 388002

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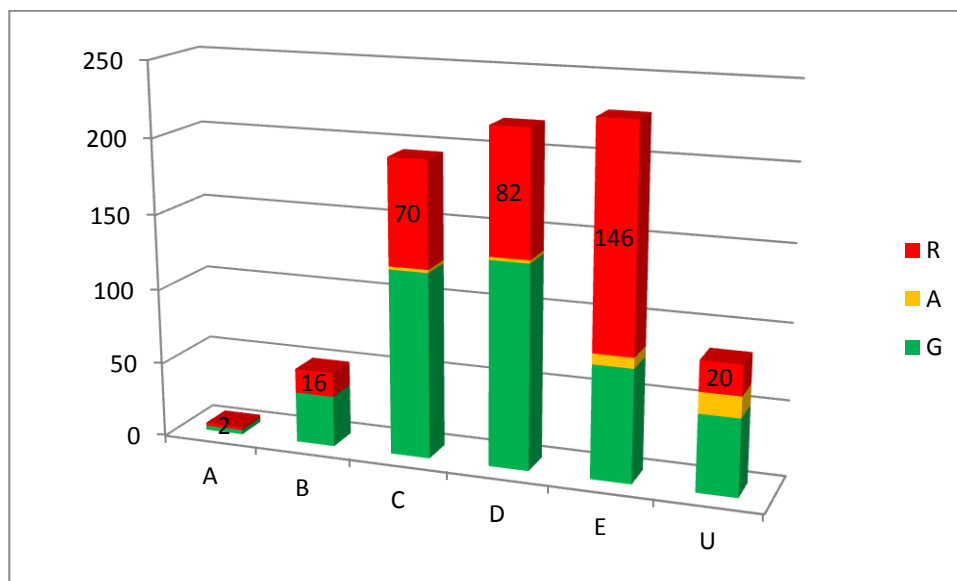
## Appendix 1 – Food Safety Service Plan: Programmed (proactive) Activity

Proactive Tasks	Level of Activity		Progress
	Predicted activity 2017-18	Recorded activity 1 April 2017 – 31 December 2017	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below) see Figure 1 below.	444	231	R
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	229	81 Sent 33 Assessed	A
Revisits	100	22	G
Inspections of or visits to new food businesses <sup>1</sup>	130	64	A
Visits to Approved Establishments	8	4	A
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training <sup>2</sup>	10	4	G
Other proactive visits (food, water and environmental samples/advisory)	220	142	G
Prosecutions and cautions	2	1 pending	G
Formal action (service of notices, closures)	20	1	G
Food safety and public health promotion	<ul style="list-style-type: none"> <li>• The new food hygiene training programme has been delivered and well received</li> <li>• Newsletter has been published</li> <li>• Primary authority meetings continue.</li> <li>• Good progress has been made on the implementation of the Healthier Options Project</li> <li>• An introductory workshop to BBfA was held in December</li> <li>• Further engagement with the Food Standards Agency on Regulating our Future.</li> </ul>		

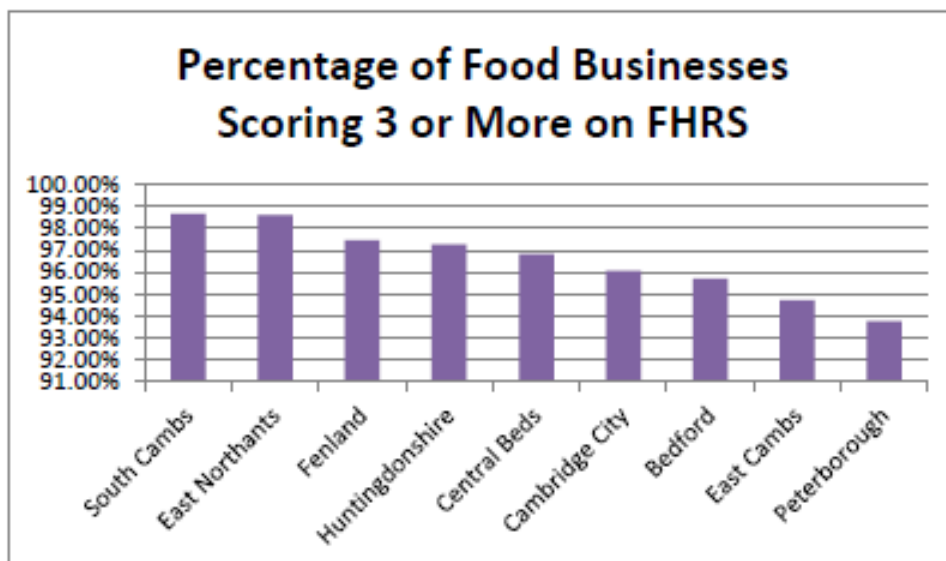
## Notes

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.*

**Figure 1 – Number of premises requiring an intervention in 2017/18; situation at 31 December 2017 (see p4.3)**



**Figure 2 – Comparison of FHRs Scores across the Region (see p4.3)**



## Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2017-18	Recorded activity 1 April 2017 – 31 December 2017	RAG Status
Complaints and service requests about food and about/from food businesses	650	411	G
Food, water and environmental samples taken	100	0	G
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	63	G
FSA food alerts for action	5	0	G

### Notes

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### Appendix 3 – Health and Safety Activity

Type of Activity	Level of Activity		Progress
	Predicted Activity 2017/18	Recorded Activity 1 April – 31 December 2017	Status (Green, Amber, Red)
Premises inspections and interventions (including revisits)	100	28	A
Health and safety complaints and requests for service received <sup>1</sup>	75	57	G
Accident and dangerous occurrence investigations commenced <sup>2</sup>	25	26	A
Specific smoke free enforcement visits <sup>3</sup>	10	1	G
Matters of Evident Concern (MEC) Identified <sup>4</sup>	30	8	G
Health and safety promotion and advice to business/enquiries			
Liaison with other organisations	On-going liaison with HSE with technical and legal issues.		

#### 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.
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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# Agenda Item 5

Public  
Key Decision – No

**Subject Matter:** LICENSING AND PROTECTION SUB-COMMITTEE

**Meeting/Date:** Licensing and Protection Committee – 7 February 2018

**Executive Portfolio:** Councillor A Dickinson, Executive Councillor for Community Resilience, Well-Being 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
16 October 2017	S Criswell	New Application for a Hackney and Private Hire Licence.	Refused.
		Review of an existing Joint Hackney Carriage and Private Hire Drivers Licence	Not Renewed.
		New Application for a Hackney and Private Hire Licence	Allowed to proceed.
		New Application for a Hackney and Private Hire Licence	Deferred.
21 November 2017	S Criswell	Review of an existing Joint Hackney Carriage and Private Hire Drivers Licence	Revoked.
		New Application for a Hackney and Private Hire Licence.	Allowed to Proceed.
		New Application for a Hackney and Private Hire Licence.	Allowed to Proceed.
30 November 2017	J W Davies	New Application for a Hackney and Private Hire Licence.	Allowed to Proceed.
		New Application for a Hackney and Private Hire Licence.	Allowed to Proceed.

		Current Hackney Carriage and Private Hire Driving Licence	Revoked.
		Renewal of a Hackney Carriage and Private Hire Drivers Licence	Licence not Renewed.
18 January 2018	J W Davies	Current Hackney Carriage and Private Hire Driving Licence	Revoked
		New Application for a Hackney and Private Hire Licence.	Refused
		New Application for a Hackney and Private Hire Licence.	Deferred to permit a further opportunity for the applicant to attend.
		New Application for a Hackney and Private Hire Licence.	Deferred to permit a further opportunity for the applicant to attend.
29 January 2018	S Criswell	Current Hackney Carriage and Private Hire Driving Licence	Licence not Renewed.
		New Application for a Hackney and Private Hire Licence.	Refused.
		New Application for a Hackney and Private Hire Licence.	Refused.
		New Application for a Hackney and Private Hire Licence.	Refused,

## 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.