

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

**Contact
(01480)**

1. MINUTES (Pages 5 - 12)

To approve as a correct record the Minutes of the Licensing and Protection Committee held on 7th March and 23rd May 2018.

**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. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2018-19
(Pages 13 - 44)

To consider a report by the Head of Community seeking approval of the 2018 -19 Service Plan for Food Law Enforcement.

**S Walford
388002**

4. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2018-19
(Pages 45 - 72)

To consider a report by the Head of Community seeking approval of the Service Plan for Health and Safety Regulation 2018-19.

**S Walford
388002**

5. UPDATE ON CONSULTATION ON THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 73 - 116)

To receive an update on the responses received from the public consultation exercise undertaken on a Draft Hackney Carriage and Private Hire Licensing Policy.

**S Walford
388002**

(This report was considered by the Committee at their last meeting on 7th March 2018 however in view of the changes in membership following the local elections it has been re-submitted). Please refer to the Minutes of the previous meeting.

6. THE ENVIRONMENTAL OFFENCES (FIXED PENALTIES) (ENGLAND) REGULATIONS 2017 (Pages 117 - 122)

To consider a report by the Community Resilience Manager regarding the 2017 Environmental Offences (Fixed Penalties) (England) Regulations.

**C Deeth
388233**

7. **THE LITTERING FROM VEHICLES OUTSIDE LONDON (KEEPERS: CIVIL PENALTIES) REGULATIONS 2018** (Pages 123 - 130)

To consider a report by the Community Resilience Manager regarding the 2018 Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations.

C Deeth

8. **REPRESENTATIONS ON EXTERNAL ORGANISATIONS** (Pages 131 - 132)

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

Democratic Services
388169

9. **LICENSING AND PROTECTION SUB COMMITTEE** (Pages 133 - 134)

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.

Democratic Services
388169

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

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

S Foster
387075

Dated this 12 day of June 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.

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Elections & Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 7 March 2018.

PRESENT: Councillor S J Criswell – Chairman.
Councillors J E Corley, J W Davies,
Mrs A Dickinson, Mrs J Tavener and
R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs B E Boddington, Mrs S Conboy, Mrs S A Giles, J M Palmer and P D Reeve.

30. MINUTES

The Minutes of the meeting of the Licensing and Protection Committee held on 7 February 2018 were approved as a correct record and signed by the Chairman.

31. MEMBERS INTERESTS

No declarations were received.

32. DRAFT SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2018-19

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee considered the contents of the 2018-19 Draft Service Plan for Food Law Enforcement

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

Members were advised that the Draft Plan for 2018-19 sets out how the food safety and hygiene function within the Council will be delivered over the coming year and details the resources required to deliver the service, together with a review of the previous year's performance. Members were advised that the resources available to deliver the Plan were unchanged from the previous year, however at present there continued to be two vacancies (1.7FTEs) within the Business Team which had had an impact on the work undertaken in the current year.

The Committee's attention was also drawn to the Service's Key Priorities for the coming year, these included:

- ❖ 'Better Business for All' to provide transparent, consistent and accessible regulatory advice;
- ❖ Adopting clear messages to communicate effectively to local business how to comply with legislation;
- ❖ Targeting low performing businesses with additional coaching and advice; and
- ❖ The introduction of new regulations to reduce acrylamide in foods.

Arising from which, Members also emphasised the need for the Authority to continue to promote positive messages to the public regarding to the work which was being undertaken by the Team in the public interest.

In terms of the resources which were available to deliver the food law enforcement function in 2018/19, the Head of Community explained that overheads and direct costs were still unconfirmed as there had been no agreement as yet on a pay award for District Council employees for the forthcoming year. He undertook to provide an update on these costs to the Committee's next meeting should this be required. The achievement of income targets would be depended on the degree of primary authority activity, requests for export certificates and the number of Food Hygiene rescore visits requested by businesses.

In response to Members questions regarding the ongoing vacancies within the Business Team, the Committee were advised that this was a problem for a number of authorities and the positions had recently been re-advertised for a further time. Members were assured that the Business Team currently had sufficient resources to undertake their statutory requirements, however should a major incident occur then there may be an impact on the programme of inspections.

In reviewing the predicted programme of proactive activity, Members commented on the predicted increase in the number of formal actions in 2018/19 compared to the current year. It was reported that this was based upon national averages and the levels with the Council's Business Team felt able to cope with.

Having noted that major outdoor events during the course of a year can have an impact on the delivery of the Service Plan, reference was made to the forthcoming St Neots Water Festival and the requirements that this may generate for the team. The Committee were advised that the Council would engage with the event organisers through the Safety Advisory Group to ensure the necessary precautions were in place/ establish whether it was necessary to make visits to the Festival itself.

In terms of other issues which could impact on the implementation of the plan, Members noted that these could include changes to the operating model for food law enforcement and legislative changes once the UK has negotiated its exit from the EU.

The Committee then went on to discuss the Food Hygiene Rating System – 'Scores on the Doors' and were informed that the Government were yet to legislate on the mandatory display of scores

at food premises.

In response to a suggestion from the Chairman, the Committee went on to discuss whether the Council should adopt a more proactive approach to encourage all local businesses to aspire to 4 star rating. The Head of Community explained that the 3 star rating meant that a business was broadly compliant and currently over 90% of food businesses with Huntingdonshire had secured this level. It would be preferable in his opinion to target / take a more robust approach with those businesses who had only secured a low rating (through initiatives such as Coaching for Compliance). Once these issues had been dealt with the Council could consider a change in its approach.

Whereupon, it was

RESOLVED

that the Draft Service Plan for Food Law Enforcement 2018-19 be approved in accordance with the Council's Constitution.

33. PROVISIONAL SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2018-19

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee considered the contents of the 2018-19 Provisional Service Plan for Health and Safety Regulation.

Members were reminded that the Health and Safety Executive (HSE) requires every local authority to outline how it will fulfil its duty to make adequate arrangements for the enforcement of the relevant statutory provisions within its area. The Provisional Service Plan for 2018-19 sets out how the health and safety function within the Council will be delivered over the coming year and details the resources required to deliver it, together with a review of the previous year's performance.

In terms of the Plan of work for 2018/19, the Committee were advised that the programmed work which has not progressed as envisaged in 2017/18 would be carried over to 2018/19 as resources allow. It was also proposed to review the complaints procedure to focus resources on those incidents which pose the greatest risk.

In reviewing the provisional plan, Members commented on the variations in the levels of enforcement activity between 2015/16, 2016/17 and 2017/18 in the areas of 'letters' and 'accident notifications'. The Committee were advised that there had been no change in reporting mechanisms and this simply reflected the issues being experienced / matters of concern raised within this particular years. Clarification was also sought on the checks which were made on CO beverage gases as part of the Health and Safety inspection.

The Committee then discussed the programmed work which had not progressed as envisaged in 2017/18. This was a direct result of the fatal accident at Hamerton Zoo, together with a further workplace accident involving a horse drawn hearse which had generated a requirement for significant resources from the Business Team.

Subject to successful recruitment to vacant posts, the Head of Community remained confident that the 2018/19 Plan remained achievable within the aspirations of the Council and the approved resources.

Members were reminded that the Council continues to adopt a positive and proactive approach to the management of health and safety and this would be resourced accordingly.

Whereupon and having note that the Plan would be reviewed and a final version presented later in the year, it was

RESOLVED

that the Provisional Service Plan for Health and Safety Regulation 2018-19 be approved.

34. UPDATE ON CONSULTATION OF THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Further to Minute No.20 and with the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book), the Committee received an update on the responses received from the public consultation exercise undertaken on a Draft Hackney Carriage and Private Hire Licensing Policy.

Having noted that the consultation had been undertaken over a 12 week period between October and December 2017, members were advised that seven written submissions had been received alongside forty valid online survey responses. The majority of which were in favour of the Council establishing an overarching policy document that reflects current legislation and guidance, that is relevant and kept up to date.

In reviewing the consultation responses, Members discussed the need to enable easier differentiation between Hackney Carriages and Private Hire Vehicles as this was often confusing for members of the public. The Head of Community explained that door stickers were being considered for this purpose as part of the proposed new policy.

Members went on to discuss whether there should be a uniform appearance for Hackney Carriage vehicles. Whilst this had not been supported within the consultation and that this would need to be undertaken as a staged approach, Members were of the opinion that there should be further exploration of this option. It was recognised that this would require additional public consultation.

With regard to the proposed training requirements within the new policy, a member suggested that consideration should be given to the inclusion of alzheimer's disease as part of the training on safeguarding and disability awareness.

Having noted that work on developing the new policy was continuing, Members were also advised that work was also being undertaken to develop the business case for the implementation of the training and testing elements proposed within the new policy. This would include a cost impact assessment to the trade and a timeframe for the

introduction of the new elements for new and existing licence holders.

It was anticipated that the final policy would be brought back to the Licensing and Protection Committee for approval at their meeting in June 2018.

35. 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 received and noted the details of one meeting of the Licensing and Protection Sub Committee which had taken place between the 30th January and 7th March 2018.

Members were advised that following the introduction of the new Hackney Carriage and Private Hire Licensing Policy, a separate exercise would be undertaken to review the existing scheme of delegation to officers to enable decisions on driver applications to be undertaken in a more timely and efficient manner.

Having noted that two of the cases at the last meeting of the Sub-Committee had been deferred as the drivers had not been in attendance, the Head of Community announced his intention to make changes to the accompanying letter to reflect the fact that cases would be considered in an applicant / drivers absence if they did not attend.

36. QUARTERLY REPORT ON THE SUSPENSION / REVOCATION OF VEHICLE LICENCES FOR SAFETY PURPOSES

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 actions which had been taken since the last meeting under the Head of Community's delegated authority.

Chairman

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 23 May 2018.

PRESENT: Councillors B S Banks, J R Clarke,
S J Corney, S J Criswell, Ms A Diaz,
Mrs A Dickinson, Mrs S A Giles,
Mrs P A Jordan, D J Mead and J E White.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors L W McGuire and Mrs P E Shrapnel.

1. ELECTION OF CHAIRMAN

RESOLVED

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

Councillor S J Criswell in the Chair.

2. MEMBERS INTERESTS

No declarations were received.

3. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

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

4. ANNUAL TRAINING

Members noted that the annual training for Committee Members would be held on Wednesday 6th June 2018 at 9.30am in the Civic Suite, Pathfinder House. All Members were required to attend.

Chairman

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	Service Plan for Food Law Enforcement 2018-19
Meeting/Date:	Licensing and Protection Committee – 20 June 2017
Executive Portfolio:	Executive Councillor for Operations and Regulation – Cllr Jim White
Report by:	Head of Community – Chris Stopford
Ward(s) affected:	All

Executive Summary:

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

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

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

Recommendation(s):

Members are requested to: -

- 1. Approve the 'Service Plan for Food Law Enforcement 2018-19' in accordance with the Council's Constitution;**

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Food Law Enforcement Service Plan 2018-19 to the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.
- 1.2. The Council's Constitution allows the Licensing and Protection Committee to consider and approve Service Plans.

2. WHY IS THIS REPORT NECESSARY?

- 2.1. Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement within the district. The Food Standards Agency (FSA), as England's Central Competent Authority and National Regulator for food safety and hygiene requires every local authority to outline how it will fulfil its duty to deliver official food controls within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Service Plan, specifying how and at what level the official controls will be delivered. This requirement is formalised within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.
- 2.2. The food safety and hygiene function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.
- 2.3. The Business Team is a part of the Community Division, delivering the Council's statutory functions for food law, health and safety, licensing and infectious disease control. The team aims to support business to comply with the legislation by using a range of enforcement tools including advice, training, promotional campaigns and social media.

3. OPTIONS CONSIDERED

- 3.1. The service has considered the requirements of the FSA Framework Agreement, the Corporate Plan 2016-18 and the predicted 2018-19 figures based upon work delivered since 1 April 2017.
- 3.2. Figures predicted for 2018-19 are generated from the premises database held by the service and are all rated according to the risk presented by activities undertaken by the business. The plan highlights the number of interventions required and the flexibility available in how these might be approached.
- 3.3. Key priorities for the coming year include
 - Better Business for All – working collaboratively with local authority colleagues to provide transparent, consistent and accessible regulatory advice
 - Adopting clear messages that communicate effectively to local businesses what they need to do to comply with legislation, particularly when they are starting out
 - Targeting low performers for additional coaching and advice to support them towards compliance and where this fails or there is a deliberate lack of engagement to adopt an incremental approach to enforcement as set out in the Corporate Enforcement Strategy

- Introduction of the new regulations to reduce acrylamide in foods (mainly formed in those foods with high starch content when cooked at high temperatures)
- For higher performing establishments to promote the Healthier Options Scheme to introduce preparation methods or menu choices that contribute to a healthier diet.

4. KEY RISKS

- 4.1. A failure to produce a Service Plan could invite criticism from the Food Standards Agency which, as the central competent authority, oversees local authorities' food law enforcement activities. This in turn may lead to contact from the FSA's Local Authority Audit team.
- 4.2. Efforts are being made to recruit to two vacant posts in the team which will allow more training and promotional activity to be undertaken as well as providing resilience in responding to reactive work.
- 4.3. Two further issues could impact on the implementation of this plan both of which will require a certain amount of horizon scanning to ensure the service is well aligned to accommodate future changes to both the operating model for food law enforcement (FSA's Regulating our Future Programme) and to legislative changes once the UK has negotiated its exit from the EU. Both are envisaged to have implications for service delivery from 2019.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be delivered during the 2018-19 financial year alongside the Business Team's other core functions of health and safety and licensing.

6. LINK TO THE CORPORATE PLAN

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

7. LEGAL IMPLICATIONS

- 7.1. The FSA has a key role in overseeing official food controls undertaken by local authorities. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations.
- 7.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the FSA recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3. This plan replaces the 2017-18 Service Plan and builds upon the aim of providing support for local business. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the previous service plan and to identify areas for improvement.
- 7.4. The authority has a duty to comply with the Framework Agreement. These duties include requirements for the planning, management and delivery of the local food law enforcement service

8. RESOURCE IMPLICATIONS

- 8.1 The budget for 2018-19 remains the same as that for 2017-18. Achievement of income targets will depend on the degree of primary authority activity, requests for export certificates and the number of FHRS rescore visits coming through from business. The number of formal training sessions delivered will also impact on income generated.

9. OTHER IMPLICATIONS

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

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1. Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. This Plan gives the Committee an opportunity to comment on the priorities identified and shape delivery of the service to ensure that the Council can deliver its statutory function according to local circumstances and within approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 – Service Plan for Food Law Enforcement 2018-19

CONTACT OFFICERS

Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002

COMMUNITY DIVISION

**SERVICE PLAN FOR
FOOD LAW ENFORCEMENT
2018-19**

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

April 2018

INTRODUCTION

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

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

This Service Plan outlines how Huntingdonshire District Council aim to deliver official food law controls in 2018-19. Any references to work delivered in 2017-18 are based upon data recorded between 1 April 2017 and 31 March 2018. The references to programmed work for 2018-19 are based on predictions made from the risk rated premises database on 1st April 2018.

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

Chris Stopford
Head of Community

EXECUTIVE SUMMARY 2018-19

AIMS AND OBJECTIVES

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

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

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

Table 1: Comparison of resources for 2017-18 and 2018-19

STAFF (Full Time Equivalent (FTE))	2018-19
Environmental Health Officers (EHO)*	2.905*
Environmental Health Compliance Officers (EHCO)*	1.54
Operational Manager (Business)	0.35
	4.80
Business Support Staff	1.17
Total	5.97
FINANCIAL	2018-19
Direct Costs (salaries, NI and pensions)	£239,319
Other Direct costs (specialist equipment, laboratory services and sampling)	£7,565
Transport	£5,722
Total	<u>£252,606</u>
Income (Primary Authority Partnership, export certificates, delivery of training courses)	<u>-£17,340</u>
NET EXPENDITURE	<u>£235,266**</u>

* These figures represent the proportion of the establishment posts which is allocated to food law enforcement. This is expected to be 85%. At the present time there are vacancies of 0.85 (EHO) and 0.85 (EHCO). Active recruitment to both posts is continuing.

** See section 4.1 for a detailed breakdown of these figures.

Table 2 – Programmed (proactive) Activity

Proactive Tasks	Level of activity	
	Actual 2017-18	Predicted 2018-19
Planned food hygiene inspections (risk group A-D, in addition to those below)	333	391
Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders)	78	173
Revisits	29	50
Inspections of new food businesses	145	130
Inspections of Approved Establishments	7	6
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	4	2
Other proactive visits (food, water and environmental samples/advisory)	206	150
Prosecutions	0	2
Formal action (service of notices)	1	10
Food safety and public health promotion	Ad hoc project work linked to corporate objectives; targeted business support visits; provision of advice during routine interventions; National Food Hygiene Rating Scheme (FHRS); alternative enforcement strategies for low risk businesses and newsletters	

*We currently have one Primary Authority Agreement with Cambridgeshire Catering and Cleaning Services (CCS) in accordance with the agreed cost recovery arrangements each activity is recharged back to CCS.

Table 3 – Unplanned (reactive) Activity

Reactive Tasks	Level of activity	
	Provisional 2017-18	Predicted 2018-19
Service requests/ complaints about food and food businesses	571	550
Food, water and environmental samples taken	26	25
Infectious disease control - notifications of food-borne/food poisoning illnesses	76	80
FSA Food Alerts for Action	0	2

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

A balanced programme of work is proposed for 2018-19 which incorporates a full range of official food controls. Due to the nature of the service some interventions are carried out during evenings and weekends. The plan is based upon the service being fully staffed.

DEVELOPMENT PLAN 2018-19

The following developments are planned during 2018-19. This work is in addition to the proactive and reactive work identified in tables 2 and 3. It is linked to the objectives and outcomes identified in the Corporate Plan and any regional or national strategies.

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings. The General Data Protection Regulations 2018 will impact on how we store and use data that we hold requiring systems to be reviewed and updated. We will engage with 3C ICT and the worksmart project to ensure that we have software that supports an agile workforce that can work remotely and efficiently.
- Review and update SOPs in relation to changes in GDPR, the Code of Practice and the Working Practice Guidance
- Continue to deliver a programme of training courses and briefing events to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- Introduce principles supporting communicating for compliance, with a focus on getting it right first time; briefing businesses on the new requirements to reduce acrylamide in foods; promoting early engagement with the 18 businesses that are due an inspection and are not currently broadly compliant.
- Continue to deliver, promote and expand Primary Authority Partnerships
- Engage with the FSA in developing ideas for the future of food law regulation as contained in the Regulating our Future proposals, contributing to research and policy development as required
- Prepare for transition of legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date
- To promote the service as widely as possible using all available media outlets and support any relevant national strategies such as the FSA's National Food Safety Week
- To continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods, supporting the Healthy Weight Strategy for Cambridgeshire and the Ramsay Pathfinder Pilot.
- Develop Better Business for All so the partnership can begin to work collaboratively to deliver regulatory support priorities targeted at business growth across Cambridgeshire.

SECTION 1: FOOD SAFETY SERVICE - AIMS AND OBJECTIVES

1.1 Aims and Objectives

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

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

1.2 Links to Corporate Objectives and Plans

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

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

Support people to improve their health and wellbeing – by promoting the Healthier Options Scheme to food businesses the availability of safe nutritious food will be signposted in the community

Develop more resilient communities to help people help themselves – the provision of information and advice to businesses and to the wider public ensures that those businesses who achieve compliance are rewarded and the public can use this information to inform their decisions on where to eat

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

Become a customer focused organisation – dealing with new and established businesses in an advisory and educative way in order to build sustainable and trusting relationships at an early stage (see 3.5) and maintain these to ensure compliance throughout the lifecycle of the business.

SECTION 2: BACKGROUND

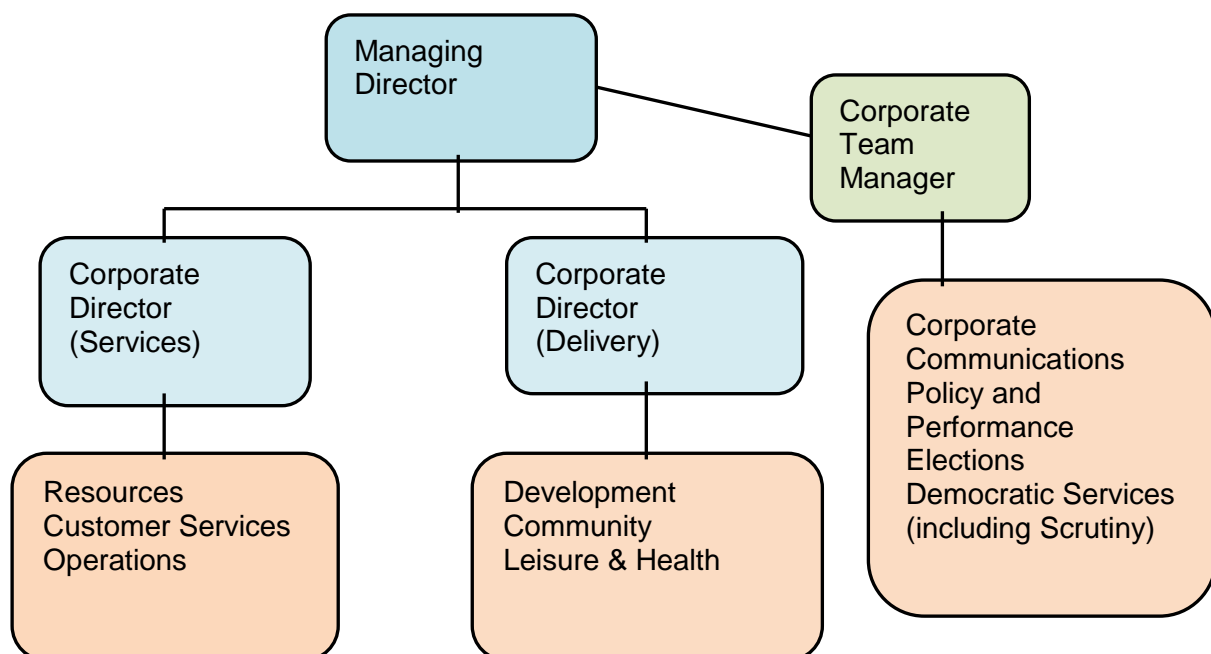
2.1 Authority Profile

- 2.1.1 Covering almost 360 square miles and situated in the valley of the Great Ouse, the District of Huntingdonshire forms the most westerly part of Cambridgeshire. It is the largest district in the County by both land area and population. The population is 173,600 and is forecast to grow to around 210,000 by 2036.
- 2.1.2 The employment rate in the district is 78.8% with 80.5% of people being economically active. The main centres are the market towns of Huntingdon, St Neots, St Ives, Yaxley and Ramsey.

2.2 Organisational Structure

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

Figure 1: Huntingdonshire District Council's Organisational Structure



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

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

Table 4: Food Safety Service resources

Post	Duties and Responsibilities
Operational Manager (Business) – full time	The Council's Lead Food Officer. Operational management of the team and development of the annual Service Plans. Senior technical advisor on food safety, health and safety and licensing matters within the service area. Contributes to the corporate management of the Community Division. (0.35 FTE)
Environmental Health Officer – full time	Proactive and reactive food safety work. (0.85 FTE)
Environmental Health Officer – full time *	Proactive and reactive food safety work. (0.85 FTE)
Environmental Health Officer – part time	Proactive and reactive food safety work. (0.78 FTE)
Environmental Health Officer – part time	Proactive and reactive food safety work. (0.43 FTE)
Environmental Health Officer/ Environmental Health Protection Officer – full time *	Proactive and reactive food safety work. (0.85 FTE)
Environmental Health Protection Officer – part time	Proactive and reactive food safety work. (0.69 FTE)
	Total of 4.8 FTE Officers

* Both posts are currently vacant but have been advertised and are subject to an active recruitment process.

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

Table 5: Provision of External Services

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

2.3 Scope of the Food Service

The food safety service consists of the following elements

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

2.4 Demands on the Food Service

2.4.1 There are currently 1449 food businesses on the database. This figure includes home-based cake-making businesses, child-minders and businesses based outside of the district but which trade within it. It does not include businesses which only trade occasionally or temporarily within the district such as at

Continental Markets or community events. The breakdown of businesses by type according to the Food Standards Agency (FSA) classification is shown in Table 6.

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

Primary Producers (e.g. farms)	34
Manufacturers/Packers	43
Importers	2
Distributor/Transporters	52
Food Retailers	263
Caterers – restaurants, cafes, hotels, mobile traders, pubs, clubs and takeaways	992
Outside district	63
Total	1449

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

Table 7: Breakdown of food premises by inspection rating category

	A	B	C	D	E	Unrated
As at 31/03/2017	3	47	266	445	529	105
As at 31/03/2018	7	43	237	459	496	99

2.5 Approvals and Specialist/Complex Processes

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

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

2.6 Delivery of the Service

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

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

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

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

- An outbreak of food poisoning or a work-related death.
- Major outdoor events during the course of a year which involve food safety, water and health and safety considerations, the most significant in recent years being the Secret Garden Party. Preparation for such large-scale events can account for 80 hours of officer time, however it is not envisaged that this particular event will continue to run in its current format.
- Officers may have to respond to FSA Food Alerts for Action. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain.
- There are two food businesses which regularly export food products to countries outside the EU. These products require a Health Certificate and additional checks may need to be carried out before the certificate is issued. 80 certificates were issued during the last year.
- The implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements have resource implications for the service.

2.7 Enforcement Policy

- 2.7.1 In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy. This sets out its approach to proportionate, transparent, fair and effective regulation and enforcement, following the principles set down in the Regulators Code. This overarching framework is intended to provide customers with a clear understanding of the Council's approach to regulatory and enforcement activity. The Food Safety Enforcement Policy approved in 2015 will be refreshed to reflect the new policy.
- 2.7.2 In order to promote consistent and proportionate enforcement the service is an active member of Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group. The Operational Manager (Business) represents the council at these meetings. Task and finish groups are periodically set up to develop consistency exercises, training programmes or peer review models.

SECTION 3: SERVICE DELIVERY

3.1 Delivery Mechanisms

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

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

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

3.2 Interventions at food businesses

3.2.1 These consist of the "official food controls" specified in the Food Law Code of Practice together with any other activities where the purpose is to monitor compliance with food hygiene law. There are around 800 businesses that will require some sort of intervention during 2018-19. Around 550 will become due during the period 2018-2019 and approximately 260 could be carried forward from 2017-18.

3.2.2 The food hygiene intervention rating is used to determine the type of intervention that is suitable for that particular operation. Unannounced inspections are carried out at businesses in categories A and B, these may comprise an inspection, partial inspection or audit at appropriate intervals. Category C premises will be assessed using either a full/partial inspection or audit, until they are deemed broadly compliant, once this is achieved planned interventions may alternate between the above and another type of official control. Category D premises will be subject to alternate official control and non-official controls unless they are also rated 30 or 40 for "type of food and method of handling" when they are restricted to a full/partial inspection or audit. Other official controls comprise food sampling, surveillance, verification visits and audits. The Code of Practice allows local authorities to use Alternative Enforcement Strategies (AES) for category E businesses.

- 3.2.3 Category E businesses are suitable for AES approaches which typically involve the completion of a self-assessment questionnaire by the business. Of the businesses due for an intervention in 2018-19, 174 are in category E. Other interventions that are not official controls include education, advice, coaching at a food establishment and information and intelligence gathering.
- 3.2.4 There are approximately 275 businesses on the database at which the nature of the operation is either temporary, so low as to present little or no public health risk or unlikely to be viewed as a food business by the general public. These premises cannot be removed from the database but are excluded from the scope of the Food Hygiene Rating Scheme. The available resources mean it is very unlikely that they will be inspected but they may be captured by AES approaches or visited in response to complaints.
- 3.2.5 The planned inspections in Table 2 do not include inspections of brand new businesses or those which change hands during the year. Nor do they include inspections of temporary or occasional businesses at markets, fairs or large public events. There could be as many as 200 unplanned interventions in 2018-19.
- 3.2.6 Food businesses that fail to comply with significant statutory requirements must be subject to appropriate enforcement action and revisit(s). Such businesses will be identified by a compliance score of 15 or higher for hygiene and/or structure and/or a confidence in management score/control procedures score of 20 or higher as laid out in the Intervention Rating Scheme described in the Food Law Code of Practice (2017). It is estimated that about 25% of inspections will require some follow up action to check compliance. This could mean up to 125 revisits.
- 3.2.7 The frequency at which businesses must be inspected is outlined in Chapter 5 of the Food Law Code of Practice March 2017. Information gathered at inspection is also used to determine the Food Hygiene Rating Scheme (FHRS) score. The FHRS is operated in accordance with the FSA Brand Standard June 2017. Businesses can appeal against their rating and can also request a rescoring visit (subject to the payment of a fee) after the inspection upon which their rating was based. During 2017-18 there have been 14 re-score requests, 11 other enquiries and no appeals. At least as many should be anticipated in 2018-19.
- 3.2.8 All officers who carry out official food controls are authorised in accordance with the Code of Practice.
- 3.2.9 Officers will also carry out spot checks at businesses if they have concerns or intelligence about the business or about a specific activity within a business. The outcome of a spot check may affect future planned inspections of the business.

3.3 Complaints

3.3.1 These generally fall into one of the following categories:

- Complaints about the food premises themselves (e.g. poor staff hygiene, allegations of pests, poor standards of cleanliness)
- Complaints about the condition or contamination of food (extraneous matter, mould, dirty containers)
- Complaints about food labelling and food information ('use by' dates and allergen information).

3.3.2 Based on previous years it is estimated that there will be about 200 such complaints in 2018-19. Table 3 shows the total number of food-related service requests, complaints and queries, the numbers of which have increased steadily over the last few years.

3.4 Primary Authority Scheme

3.4.1 The service supports the Primary Authority Scheme and the Council has one partnership with Cambridgeshire County Council's School Meals Service.

3.4.2 The partnership was established in August 2013. It was agreed that the Council would provide a maximum of 100 hours of support per year and that the cost would be recovered in accordance with published guidance. In 2017-18, the number of hours was reduced to a maximum of 50 hours. During 2017-18 the service provided 34 hours of support, generating £2,250. A recent County Council decision was made to outsource CCS and therefore we are in the unfortunate position of winding up the partnership.

3.4.3 In line with corporate priorities to support local businesses, further opportunities to develop the primary authority scheme will be pursued.

3.5 Advice to Businesses

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

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

3.5.2 These activities are integrated into the service's general interventions and food safety promotion functions. There have been 203 requests for advice and training this year, it is expected that there will be at least as many in 2018-19.

3.6 Food and Environmental Sampling

3.6.1 Sampling is a recognised official food control. In 2018-19 the commitment to sampling will continue and where appropriate it will be used as an alternative to carrying out a full inspection.

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

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

3.7 Control and Investigation of Food-related Infectious Diseases

3.7.1 Officers will investigate food-related infectious disease notifications in accordance with protocols agreed with the Consultant in Communicable Disease Control (CCDC), Anglian Water and Cambridge Water Company. The general aims of any investigation are to identify the source and cause of the infection and prevent further spread.

3.7.2 There have been 68 food poisoning notifications, 42 of which required an investigation. This compares to 81 notifications (58 investigations) in 2016-17.

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

3.8 Food Safety Incidents

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

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

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

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

3.9 Liaison with Other Organisations

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

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

3.9.2 The CFSG promotes consistency between officers and authorities and where possible produces common policies and procedures. Where appropriate, subgroups can be convened to deal with a specific issue. The membership includes Lead Food Officers from Cambridgeshire and Peterborough as well as representatives from Public Health England, the Food Standards Agency and Trading Standards.

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

3.10 Food Safety and Public Health Promotion

3.10.1 Subject to resources, the proposals for 2018-19 include the following:

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

- Attendance at relevant trade and business seminars to promote the work of the service
- Promotion of Healthier Options to encourage local businesses to offer healthy food choices to customers.

3.11 Food Intended for Export

3.11.1 There are two manufacturing businesses which regularly supply food to non-EU countries and which require an Export Health Certificate for each consignment. These arrangements support the businesses in question and have generated income of £ 5,600 during 2017-18.

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The budget for 2018-19 is shown in Table 8 below

Table 8: Food Safety Service Budget 2018-19

	2018-19 £
Direct Costs	
Employees	
Salary (NI, Pension, training)	239,319
Transport, mileage	5,722
	245,041
Other	
Equipment, furniture and materials	1,233
Offices expenses	2,124
Services	153
Printing and Postage	2,100
Personal Protective Equipment	323
Training Expenses	663
Books and Publications	544
Subscriptions	425
	7,565
Total	252,606
Income	
Costs recovered (Export Certificates, Primary Authority Partnership, delivery of training courses and fees for FHRS re-score visits)	-17,340
Total Expenditure	235,266

4.1.2 The overall budget for 2018-19 remains the same as 2017-18.

4.1.3 The estimated income of £20,400 comprises costs recovered through the Primary Authority Partnership, fees for export certificates and FHRS re-score visits plus income from the delivery of training courses and business briefing events. Income fell short in 2017-2018 as less training and primary authority support was delivered than anticipated.

4.1.4 All officers requesting remote access to the Council network have been allocated a laptop computer (PC) enabling access to databases, word processing, internet/intranet capability, e-mail and spreadsheet packages. All the laptops have been upgraded with remote access to the Council network so

that they are available for out-of-office working and wireless enabled for touchdown working in HDC controlled premises.

- 4.1.5 In the event of a serious or major incident or a large outbreak of food poisoning or food-borne illness requiring additional resources, officers from the Business Team will assist in the first instance and if necessary officers can be drafted in from other Environmental Health teams to support the response.
- 4.1.6 The sum allocated to legal costs is based upon anticipated demand assessed over previous years, but should it prove insufficient then a request would be made to the Council for extra funds. This hasn't been necessary to date and there are no financial restrictions placed upon legal action, each case being considered on its merits. In the event of enforcement action that would place unforeseen demands on resources, local authorities can apply for financial support from the FSA but this fund is discretionary and may be withdrawn at any time

4.2 Staffing Allocation for the Food Service

- 4.2.1 Food law enforcement and compliance advice activities are provided by officers from the Business Team. The team is led by the Operational Manager (Business) and contains another six authorised officers only three of whom work full time. The team is supported by the Business Support Team.
- 4.2.2 Staff must be appropriately trained and are required to undertake 20 hours of continuing professional development every year to maintain their competency. All officers have an annual personal development plan which sets out training requirements and is reviewed monthly. Currently all members of the team are subscribed to the ABC on-line training service which delivers accessible modular packages in specific areas of food law.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment

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

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

5.1.2 There are several SOPs which cover the different aspects of the service. They will be subject to on-going review in 2018-19 to reflect changes in the code of practice and practice guidance.

SECTION 6: REVIEW

6.1 Review against the Service Plan

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

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

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

6.2 Variations from the 2017-18 Service Plan

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

6.2.2 This review details the performance of the food service during 2017-18 and outlines any significant issues that impacted on the delivery of the service. The major impact during the year has resulted from staff changes creating two vacant posts within the team. It has proved difficult to recruit the appropriately qualified and experienced individuals to these vacancies thus far, however the process is continuing and it is hoped that the current round of advertising will generate some suitable candidates.

6.3 Programmed Work

6.3.1 The 2017-18 Service Plan estimated that 574 planned inspections of food businesses would be carried out, 444 of which would be full or partial inspections of premises in categories A, B, C and D. 57 of these premises have since ceased trading.

6.3.2 During the period of this plan, 478 full or partial inspections were undertaken (including 145 new businesses), 11 sampling, 65 advisory and 137 intelligence gathering visits were made. There were 84 outstanding inspections at 31 March comprising 9 Category C, 55 Category D and 20 new businesses.

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

6.4 Reactive Work

6.4.1 During the year it has been necessary to instigate enforcement action on one food business. Notices have been served for lack of training, management control, cross contamination and poor cleaning. One business agreed to close

temporarily because of poor conditions which presented a risk to public health and another closed for deep cleaning as a preventative measure following an outbreak of norovirus.

6.4.2 The commitment to the Food Hygiene Rating Scheme (FHRS) whilst beneficial to consumers and businesses does place unforeseeable demands on the service. Food businesses can request a rescoring visit or can appeal against a rating and the Brand Standard specifies the ways in which those requests must be handled. There have been 20 such requests in 2017-18 each of which generated at least two additional visits. However, there have been no appeals by food businesses against the score they have received following inspection.

6.4.3 The service has received over 500 complaints, enquiries and requests for service or advice. One in three related to suspect or contaminated food, unhygienic premises or poor hygiene practices. Just under half were enquiries from existing or potential businesses and the remainder were made up of requests for export certificates, Primary Authority Partnership enquiries and FHRS enquiries.

6.5 The 2017-18 Action Plan

6.5.1 Section 6.6 of the 2017-18 Service Plan contained an action plan for the year. The following tables outline those commitments together with a review of performance.

Table 9 – Promotion and Improvement of the Service

Commitment	Performance
Maintain, review and update the food premises database and include business email addresses so as to improve communication with businesses and identify savings	<i>The food premises database is managed in accordance with Standard Operating Procedure F02. It is updated using information collected during routine interventions, reviewed periodically (via team meetings) and subjected to an annual check prior to the submission of the annual return to the Food Standards Agency. There are about 1500 food business records on the database of which almost two thirds contain an email address. An increasing amount of routine correspondence is sent via email subject to the constraints of any legal processes.</i>
Review and update SOPs to take account of the changes associated with the restructure of the Community Division	<i>This is ongoing, SOPs are being updated to reflect these changes as well as changes to the Food Law Code of Practice and Food Law Working Guidance.</i>
To promote the service as widely as possible using all available media outlets	<i>A variety of social and web-based media were used to promote the Food Hygiene Rating Scheme. Typically these promotions were timed to coincide with Christmas, Mothers' Day, Valentine's Day and Bank Holidays but also to support national strategies such as Food Safety Week. The team has its own Twitter account @HuntsEH and regularly submits articles to Key Issues and other council publications.</i>
To progress and further develop the sampling strategy to assist in the delivery of our targeted intervention programme.	<i>Whilst sampling has been undertaken during the 2017-18 Plan no progress has been made in aligning sampling with delivery of our targeted intervention programme.</i>

Table 10 – Business Support

Commitment	Performance
The delivery of a programme of training courses to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business	<i>The structure and content of the course provided by the team has been reviewed owing to a change in the way the Chartered Institute of Environmental Health provided the course. The CIEH as the awarding body have developed a new approach called “Partners in Professionalism”. Three courses have now been delivered with a high pass rate amongst those taking the exams.</i>
To implement the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation, supporting the Healthy Weight Strategy for Cambridgeshire	<i>Initial training has been delivered to officers to enable them to promote this initiative. Several businesses have expressed an interest and are developing their pledges towards gaining their award.</i>

Table 11 – Partnership Working

Commitment	Performance
To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners	<p><i>The partnership is now into its fifth year. The profile of the partnership has been maintained by regular contact with senior CCS staff. Discussions this year have focussed on developing an inspection plan and providing assistance with some site-specific issues</i></p> <p>Extending the scheme to other businesses <i>Changes to the scheme introduced by the Enterprise Act 2016 enable all UK businesses to benefit, including pre-start-ups. Government target is for 250,000 businesses to be in Primary Authority by 2020. Despite this target the same Act has introduced some pressures for two tier authorities to get involved as they are less able to provide the full range of services some businesses want.</i></p> <p><i>There are no new partnerships to report however this will remain a priority for 2018-19.</i></p>
Maintain collaborative work with our key partners and fellow regulators	<p><i>This is ongoing work through the established networks and groups. Specific examples</i></p> <ul style="list-style-type: none"> • <i>Working with the Department of Business, Energy and Industrial Strategy (BEIS) to trial the Communication for Compliance Project – has led to development of a workstream in 2018-19 to restyle initial communication with food businesses so that they have a clear understanding of what they need to do to get a high score on their initial inspection</i> • <i>HDC are leading on Better Business for All in partnership with Regulatory Delivery and the Growth Hub. An exploratory workshop was held with representation of regulatory services and business support colleagues in the County and an agreement made to form a partnership. Work is continuing to draft terms of reference and a work plan for the group including support for resources from central government.</i>

Table 12 – Supporting the National Agenda

Commitment	Performance
Monitor the FSA's commitment to the introduction of a mandatory requirement for food business to display their food hygiene rating and to introduce appropriate enforcement protocols	<i>FSA have committed to introducing mandatory display of ratings at food outlets in England. It is expected that this will form part of the role out of the Regulating our Futures changes once the supporting legislation has gone through parliament.</i>
Monitor the FSA's ideas for the future of food law regulation as contained in the Regulating our Futures proposals and respond accordingly	<i>The FSA have held two workshops this year to update regulators and help shape the emerging policy. Committee have been briefed regularly on developments. The service have recently been asked to provide live systems data to support the research into and development of the process around enhanced registration of food businesses.</i>
To support any relevant national strategies such as the FSA's National Food Safety Week	<i>A variety of social and web-based media were used to promote Food Safety Week and the national "Our Day" project</i>

6.6 Action Plan for 2018-19

6.6.1 The service is committed to the delivery of official food controls and in accordance with the Code of Practice will target inspection resources to the highest risk premises using flexibility to undertake partial inspections and non-inspection interventions for broadly compliant/lower risk businesses. The service will respond to complaints, enquiries and requests for service in accordance with internal procedures and with regard to public health risk.

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

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings. The General Data Protection Regulations 2018 will impact on how we store and use data that we hold requiring systems to be reviewed and updated. Engage with 3C ICT and the worksmart project to ensure that we have software that supports an agile workforce that can work remotely and efficiently.
- Review and update SOPs in relation to changes in GDPR, the Code of Practice and the Working Practice Guidance
- Continue to deliver a programme of training courses and briefing events to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- Introduce principles supporting communicating for compliance, with a focus on getting right first time; briefing businesses on the new requirements to reduce acrylamide in foods; promoting early engagement with the 18 businesses that are due an inspection and are not currently broadly compliant.
- Continue to deliver, promote and expand Primary Authority Partnerships
- Engage with the FSA in developing ideas for the future of food law regulation as contained in the Regulating our Future proposals, contributing to research and policy development as required
- Prepare for transition of legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date
- To promote the service as widely as possible using all available media outlets

and support any relevant national strategies such as the FSA's National Food Safety Week

- To continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods, supporting the Healthy Weight Strategy for Cambridgeshire and the Ramsay Pathfinder Pilot.
- Develop Better Business for All so the partnership can begin to work collaboratively to deliver regulatory support priorities targeted at business growth across Cambridgeshire.

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Service Plan for Health and Safety Regulation 2018-19

Meeting/Date: Licensing and Protection Committee – 20 June 2018

Executive Portfolio: Executive Councillor for Operations and Regulation –
Cllr Jim White

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

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

Recommendation:

Members are requested to:-

1. Approve the ‘Service Plan for Health and Safety Regulation 2018-19’;

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Service Plan 2018-19 to the members of the Licensing and Protection Committee. It was originally presented in March 2018 with provisional figures on annual budget and performance and has now been updated to reflect the year end position. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for health and safety regulation.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular (LAC) 67/2 (revision 7).
- 2.2 The council’s role as a health and safety regulator is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year’s performance.
- 2.3 The Business Team is a part of the Community Division delivering regulatory advice and support to business within the local area.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The service has considered the National Enforcement Code, the Corporate Plan 2016-18 and the predicted 2018-19 figures based upon work delivered since 1 April 2017. The plan highlights that accidents and complaints are still being received by the service and that they are being responded to in an appropriate manner. Enforcement and investigation of a small number of incidents are taking officer time to resolve, however once these have been dealt with proactive inspection of local businesses that are carrying out higher risk activities will be undertaken in accordance with national and/or local priorities.

4. KEY IMPACTS/RISKS

- 4.1 A failure to produce an appropriate Service Plan could invite criticism from the HSE which, as the national regulator oversees local authorities. This in turn could result in contact from the HSE’s Local Authority Unit. The plan must be resourced and should only target proactive inspection at those premises identified within the highest priority sectors.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be constantly monitored and reviewed over the coming year as recruitment to the vacant posts progresses and available resources become clearer.
- 5.2 The Service Plan will be delivered alongside the Business Team’s other core functions of food safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1 Service Plans support the Council's Corporate Plan and contribute to the strategic priorities therein. Targeted health and safety enforcement assists in the delivery of:
- *Create, protect and enhance our safe built environment* – dealing with significant breaches of legislation which have the potential to put the public at risk
 - *Support people to improve their health and wellbeing* – the Helping Britain work well approach aims to influence and improve the approach to health and safety, so employees are encouraged to be aware of their own safety and go home healthy.
 - *Accelerate business growth and remove barriers to growth* – provision of compliance advice and signposting to business to help them get it right first time.

7. LEGAL IMPLICATIONS

- 7.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.
- 7.2 The HSE's National Local Enforcement Code recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3 This plan replaces the 2017-18 Service Plan and identifies the priorities for Huntingdonshire District Council in delivering this statutory function. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the service plan and to identify areas for improvement.

8. RESOURCE IMPLICATIONS

- 8.1 The overall budget for 2018-19 is the same.

9. OTHER IMPLICATIONS

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

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Huntingdonshire District Council is required to produce and approve a Health and Safety Service Plan. Subject to successful recruitment to vacant posts, it is achievable within the aspirations of the Council and the approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 – Service Plan for Health and Safety Regulation 2018-19.

CONTACT OFFICERS

Mrs Susan Walford
Operational Manager (Business)
Tel: 01480 388002

This page is intentionally left blank

COMMUNITY DIVISION

SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2018-19

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev7)**

April 2018

EXECUTIVE SUMMARY 2018-19

AIMS AND OBJECTIVES

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

The service is linked to the Council's Corporate Plan and aims to comply with the Health and Safety Executive's (HSE) "National Local Authority Enforcement Code". Much of this work is directed by a national Local Authority Circular (LAC 67/2 Revision 7) which outlines the ways in which local authorities should comply with the national code.

The Service Plan outlines how Huntingdonshire District Council will deliver health and safety regulation in 2018 -19. Any references to work delivered in 2017-18 are based upon the data recorded for the period between 1 April 2017 and 31 March 2018. The references to programmed work for 2018-19 are estimates and these figures will be confirmed in a subsequent report.

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

RESOURCES**STAFF**

	2018-19
Environmental Health Officers (EHO)*	0.52
Environmental Health Protection Officers (EHPO)*	0.27
Operational Manager (Business)	0.15
	0.94
Business Support Staff	0.16
Total	1.10

* These figures represent the proportion of the establishment posts which is allocated to health and safety, this is 15%.

There are currently two vacancies in the team giving a shortfall of 0.3 FTE however a recruitment process is underway and it is hoped that these posts will be filled shortly.

FINANCIAL

	2018-19
Direct Costs	
Employees (salaries, NI and pensions)	£42,233
Other (Legal fees, PPE, equipment etc.)	£1,335
Transport	£1,010
Income & Fees	-£3,060
TOTAL	<u>£41,518</u>

ACTIVITIES

The range of activities undertaken is shown in table 1 (below). The figures for 2017-18 are based upon recorded data between 1 April 2017 and 31 March 2018.

Table 1 – Health and Safety Activity

Activity	Level of activity	
	2017-18	2018-19 (Estimated)
Premises inspections and interventions (including revisits)	38	10
Health and safety complaints and requests for service	76	75
Accident and dangerous occurrence investigations commenced	41	25
Specific smoke free enforcement visits	0	0
Matters of Evident Concern (MEC)	13	30
Health and safety promotion and advice to business/enquiries	e.g. provision of training courses, development of newsletter, leaflets, website, educational initiatives (in addition to those identified in “interventions”)	
Liaison with other organisations	Five meetings of the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group	

The overall budget for 2018-19 remains the same as 2017-18.

The administrative support comprises the following: preparation of reports, letters and notices; updating computer records; recording of enquiries and service requests; collation of data about reportable accidents; collation of data for HSE and CIEH returns and internal PI monitoring.

A balanced workload has been proposed for 2018-19 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. However, unforeseen events can place unexpected demands on the service and will prejudice our ability to deliver the plan. These include fatal accident investigations and any staffing issues arising during the year (eg sickness).

1.0 SERVICE AIMS AND OBJECTIVES

- 1.1 Health and safety regulation is an important mechanism for reducing accidents and ill health in the workplace as well as contributing to economic growth and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.
- 1.2 The service aims to:
- Help the Council to fulfil its statutory role as a “Health and Safety Enforcing Authority” accountable for the effective regulation of health and safety standards; and
 - Deliver a complementary programme of advice and enforcement to ensure that businesses are better placed to comply with their duties.
- 1.3 The service seeks to meet these aims through a number of key objectives which include:
- Securing compliance with health and safety law, having regard to Approved Codes of Practice and Guidance
 - Investigating complaints and taking appropriate action
 - Delivering a programme of targeted and proportionate regulatory interventions in accordance with statutory guidance
 - Investigating reported accidents, dangerous occurrences and notifiable diseases on the basis of risk and taking appropriate enforcement action
 - Maintaining a register of premises for which the Council has enforcement responsibility
 - Maintaining a register of evaporative condensers and water-cooling towers on behalf of the HSE
 - Responding to statutory notifications about the removal of asbestos or asbestos-containing material
 - Responding to Adverse Insurance Reports (AIR) submitted by engineers appointed by insurance companies
 - Taking samples of articles and substances as they relate to a working environment
 - Providing advice and guidance, in particular to new businesses
 - Working in partnership with other organisations to promote health and safety in the workplace.
- 1.4 The plans and initiatives to which the service must have regard include:
- The HSE’s strategy “Help GB Work Well”
 - The Council’s Corporate Plan 2016-18
 - The HSE’s National Local Authority Enforcement Code
 - Local Authority Circular (LAC) 67/2 (Revision 7)
 - The Regulators’ Code

2.0 SERVICE DELIVERY

2.1 Introduction

- 2.1.1 The health and safety service is delivered by officers within the Business Team of the Community Division.
- 2.1.2 The service will deliver a mixture of proactive and reactive interventions which will be consistent with government guidance. In practice this will comprise programmed inspections of the highest risk workplaces alongside targeted projects aligned with LAC 67/2. These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints.
- 2.1.3 Targeted advice, visits and support to local businesses can aid local business growth particularly with new business start-ups. It is recognised that by supporting business to manage their risks effectively and proportionately we will protect communities and contribute to the wider public health agenda.

2.2 Health and safety inspections

- 2.2.1 There are 2,264 premises on the premises database. Table 2 shows a breakdown by HSE classification.

Table 2 - Analysis of Premises by HSE Classification

Retail Shops	487
Catering, restaurants and bars	506
Offices	361
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	372
Wholesale, warehouses and fuel depots	223
Leisure and cultural services (e.g. cinema, place of worship)	146
Hotels, camp sites and other short-stay accommodation	55
Provision of permanent residential accommodation	57
Other premises (not classified above)	30
HSE enforcement	27

- 2.2.2 National Local Authority Enforcement Code (supported by LAC 67/2) states that unannounced proactive inspections should only be used for
- The highest risk premises
 - Those on HSE's published list of specific local authority enforced sectors
 - Where there is local intelligence which shows that risks are not being effectively managed.

2.2.3 The high-risk sectors which are suitable for proactive inspections include

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

2.2.4 Proactive inspections may also be carried out at premises where a food hygiene inspection is due and a health and safety inspection can be targeted at beverage gases or gas safety. These premises will be inspected accordingly.

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

- Falls from height – work on or adjacent to fragile roofs/materials
- Health risks from respirable silica dust
- Duty to manage asbestos
- Beverage gases in the hospitality industry
- Gas safety in commercial catering premises
- Welfare facilities for delivery drivers
- Awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins

2.3 Other health and safety interventions

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

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

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

- Tackling ill health – highlighting and tackling the costs of work related ill health

- Managing risk well – simplifying risk management and helping businesses to grow
- Supporting small employers – giving SMEs simple advice so they know what they have to do.

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

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

2.4 New business enquiries and inspections

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

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

2.5 Health and safety complaints and requests for service

2.5.1 These fall into one of the following broad categories:

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

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

2.6 Notifiable accidents, injuries, diseases and dangerous occurrences

2.6.1 Investigations are carried out in accordance with relevant guidance and procedures. Enforcement action is in accordance with the Corporate Enforcement Policy with reference to the Enforcement Management Model.

2.7 Licensing and registration

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

2.8 Formal notifications

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

2.9 Advice to businesses

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

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

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

2.10 Health and Safety Partnership Working

- 2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAP) and when dealing with business will check to see if they have a partnership in place. Inspection Plans and assured advice must be taken into consideration when dealing with the organisation.

- 2.10.2 There are about 60 companies operating in Huntingdonshire who are in a partnership with another council. The Council doesn't have any health and safety partnerships but is open to exploring them with interested parties. Such partnerships can be resource intensive but costs are recovered from the business partner.

- 2.10.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanism is the Cambridgeshire Food and Safety Group. However, the newly formed working group set up to explore Better Business for All is ideally placed to develop innovative ways of working collaboratively to raise awareness and standards of management practice in relation to Health and Safety.

2.11 Enforcement Policy

2.11.1 In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy which sets out its approach to proportionate, transparent, fair and effective regulation and enforcement in accordance with the principles laid down in the Regulators' Code. The Health and Safety at Work Enforcement Policy Statement will be refreshed and updated to reference the new policy statement.

2.12 Smoke free Implementation

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

2.12.2 Since 1 April 2017 officers responded to 3 complaints and enquiries about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits.

3.0 RESOURCES

3.1 Staffing

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

	2018-19
Environmental Health Officers	0.52
Environmental Health Enforcement Officers	0.27
Operational Manager (Business)	0.15
	0.94
Business Support staff	0.16
TOTAL	1.10

- 3.1.2 These figures represent the proportion of the establishment posts which is allocated to health and safety activity, 15%.

3.2 Financial

	2018-19
Direct Costs	
Employees (salaries, NI and pensions)	£42,233
Other (Legal fees, PPE, equipment etc.)	£1,335
Transport	£1,010
Income & Fees	-£3,060
TOTAL	<u>£41,518</u>

- 3.2.1 The overall budget for 2018-19 remains static with no significant changes to the overall position.

- 3.2.2 The business support workload includes the production of post-inspection letters, data entry to Flare, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE (LAE1), CIEH returns and internal monitoring.

3.3 Competency and Professional Development

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

- 3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of competence. During 2018-19 they will have access to any training which is necessary to maintain their competence and level of authorisation.

4.0 QUALITY ASSESSMENT

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

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

5.0 REVIEW

5.1 Review of Performance

- 5.1.1 The Health and Safety Executive (HSE) has issued guidance to all local authorities. This requires them to review their performance in order that any variances from the requirements of the Service Plan can be identified.
- 5.1.2 The service was not fully staffed for the whole year. There are currently two vacant posts in the team which have been advertised and it is hoped that these will be filled shortly.
- 5.1.3 A fatal accident investigation has taken significant resource with 0.5 FTE tasked with managing the case and coordinating the resultant enforcement activity.

5.2 Formal Enforcement Action

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

Table 3 – Enforcement Action

	2015-16	2016-17	2017-18
Total number of inspections, visits and revisits	99	95	81
Number of letters	42	84	36
Improvement notices	2	2	3
Prohibition notices	1	0	0
Simple cautions	0	0	0
Prosecutions	0	0	0

	2015-16	2016-17	2017-18
Health & Safety complaints and service requests	38	38	77
Accident Notifications	68	85	68

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

5.3 A Review of the 2017-18 Service Plan

5.3.1 Where possible and according to risk, the first contact with a new business is focused on the provision of compliance advice.

5.3.2 There have been 29 H&S inspections carried out to date, 18 of these have been coordinated with the programmed food inspection.

5.3.3 The work has been a mixture of conventional inspections and targeted interventions which will focus on the priority sectors and activities identified in the HSE Code together with support for the HSE's wider strategies. Examples include the following:

- The management of manual handling activities and the prevention of musculoskeletal disorders – information and signposting to businesses reporting an accident where manual handling was involved
- The management of risks at motorised leisure activities and large scale public events.
- The management of risks at animal visitor attractions
- The management of risks at industrial retail and wholesale premises
- The management of risks at high volume warehousing and distribution premises – interventions have related to accidents occurring at these premises
- The management of risks associated with the use of solid fuel cooking equipment at catering premises

5.3.4 We continued to support businesses and work collaboratively with partners to raise awareness of Health & Safety matters, providing advice and guidance on compliance.

Table 4 Summary of 2017-18 Joint Inspections Work Plan

Premises for joint H&S and food inspection	Justification HSE - LAC 67-2 (not all will be present in every premises)	Justification Local Intelligence	Intervention	Numbers of premises identified	2017-18 completed
wet sale pubs	Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos Violence	MEC data – 25% falls , 25% electrical (possibility of live bands) Where the premises has had no H&S inspection for >5 years, carry out full inspection	Target for both food and H&S proactive inspection Provide information on resources available on these topics.	15	9
Hotels	Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos	MEC data Where the premises has had no H&S inspection for >5 years, carry out audit or inspection of relevant matters	Target for both food and H&S proactive inspection Provide information on resources available on these topics.	10	4
Takeaways and restaurants that have not had H&S activity in last 5 years – with hazards from the HSE list	Gas safety CO beverage gases,	MEC data Mixers – Electrics Pressure vessels	Target for both food and H&S proactive inspection	14	5
New catering business	Gas safety, CO beverage gases, falls from height (underground cellar) Legionella (with rooms)	Corporate plan – support business	Offer new business support visit information on resources to control these risks	60	40

Premises for joint H&S and food inspection	Justification HSE - LAC 67-2 (not all will be present in every premises)	Justification Local Intelligence	Intervention	Numbers of premises identified	2017-18 completed
	Asbestos violence				
New skin piercing premises	Joint working	Joint working with Licensing team	Inspection by appointment provision of resources to achieve compliance and public safety	20	14

Table 5 Summary of Health & Safety Project Workplan

Priority Outcome	Regulatory	Action	Reason	Activity	Update
Management of risks associated with the use of solid fuel cooking equipment at catering premises and the fire risk associated with extract systems.		<ol style="list-style-type: none"> 1. Article in newsletter 2. Joint inspection of food premises to identify matters of evident concern 3. Provision of advice to new businesses either face-to-face or supply of written material. 	<ol style="list-style-type: none"> 1. National Priority 2. Local food businesses with relevant equipment 	<ol style="list-style-type: none"> 1. Education and Awareness 2. Proactive inspection 3. Non-inspection interventions 	Every kitchen inspection includes a visual check of the condition of the extract system, Dates of the last deep clean of the ducting and certification checked. We work closely with fire protection officers from Cambs. Fire Authority to resolve any matters of evident concern.
Environmental swabbing of surfaces on gym equipment and water sampling from showers, spa pools and similar		<ol style="list-style-type: none"> 1. Collaborative working with One Leisure 2. Promotion of service 3. Delivery between June and November 2017 	<ol style="list-style-type: none"> 1. Support for national priority (PHE Study 61) 	<ol style="list-style-type: none"> 1. Proactive sampling at One Leisure and private facilities 2. Provision of education 	Sixteen environmental swabs of contact points across two One Leisure Gyms were taken to support a Public Health England study. Results showed that those surfaces were clean, with no harmful levels of micro-organisms detectable. This demonstrated that an effective cleaning regime was being

Priority Outcome	Regulatory	Action	Reason	Activity	Update
					maintained in the gyms.
Visits to relevant sites to assess the management of risks associated with underground LPG pipework		<ol style="list-style-type: none"> Proactive visits to relevant premises Update LLARD database and report back to HSE 	<ol style="list-style-type: none"> Support for national strategy 	<ol style="list-style-type: none"> Review of HSE's LLARD database Identification of relevant premises 	The HSE have not brought any of these sites to our attention during the current plan
Reactive Health & Safety work in response to emerging MEC and MPMC		Undertake a review of premises operating water sports activities	<ol style="list-style-type: none"> In response to a fatal accident investigation, and results of the Coroner's Inquest 	<ol style="list-style-type: none"> Review of registered premises Identification of relevant premises Provision of information and informal inspection 	Lessons learnt from the investigation are being cascaded to water sports venues across the district, highlighting organisers' responsibilities to health and safety. There is a large water sports festival taking place in summer 2018 and the safety management plan is currently being reviewed to ensure a safe event.
Reactive Health & Safety work in response to emerging MEC and MPMC		Undertake a review of zoo licensed, and dangerous wild animal licensed premises	<ol style="list-style-type: none"> In response to a fatal accident investigation 	<ol style="list-style-type: none"> Review of registered premises Identification of relevant premises Provision of information and informal inspection 	Work is continuing to develop best practice in public safety, emergency escape plans and risk assessment of Category 1 animals that can be

Priority Outcome	Regulatory	Action	Reason	Activity	Update
					rolled out to support businesses involved in the zoo and dangerous wild animal sector.
Reactive Health & Safety work in response to emerging MEC and MPMC		Depending on situation 1. visits to/dialogue with relevant premises.	1. Response to local or national issues affecting H&S	Any of above as considered appropriate to the situation	There have been no other emerging issues that have had an impact on service delivery this year.

5.4 Plan of work for 2018-19

- 5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2, the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy.
- 5.4.2 Owing to the impact of on-going investigations there is a great deal of programmed work (Tables 4 and 5) that has not progressed as envisaged in the 2017-18 plan we will therefore roll this over to 2018-19 as resources allow. Whilst visiting businesses we will take note and address Matters of Evident Concern where they arise.
- 5.4.3 In 2018-19 we will review the complaints procedure to ensure that it captures sufficient detail to inform local intelligence gathering and identify emerging priorities, whilst triaging the incident appropriately to focus resource on those incidents that pose the greatest risks.

This page is intentionally left blank

**Public
Key Decision No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Update on Consultation of the draft Hackney Carriage and Private Hire Licensing Policy

Meeting/Date: Licensing and Protection Committee – 20 June 2018

Executive Portfolio: Executive Councillor for Operations and Regulation - Cllr Jim White

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

To update members on the responses received from the public consultation exercise undertaken on a Draft Hackney Carriage and Private Hire Licensing Policy.

On 20 September 2017 the Licensing and Protection Committee approved a draft policy for public consultation. The consultation exercise sought views on matters associated with recent changes to guidance and best practice within the sector, including the consideration of a number of discretionary initiatives aimed at raising standards.

Seven written submissions were received alongside forty valid on-line survey responses. The majority were strongly in favour of the Council establishing an overarching taxi policy, replacing a number of documents with a new single policy, and having a dedicated hackney carriage and private hire licensing policy which included

- training on equalities, child sexual exploitation, safeguarding and disability awareness
- a code of conduct for licensed drivers and operators
- a local knowledge test
- a basic assessment of English language and arithmetic
- extending the prohibition of smoking in vehicles to include vaping and electronic cigarettes
- mandatory vehicle inspection following a road traffic accident
- a maximum age policy for vehicles upon first application
- a maximum age policy for vehicles on renewal
- visual difference between hackney carriage and private hire vehicles
- Hackney Carriage signage and the Council's logo
- Private Hire vehicle signage stating Insurance invalid unless pre-booked with operator and the Council's logo
- a requirement for Operators to have a documented complaints procedure which is available to the council upon request

Recommendation(s):

It is recommended that:

- 1. Members consider the responses received and the level of support for the new policy**
- 2. Acknowledge that work is continuing to develop the business case for the implementation of the training and testing elements proposed within the new policy. This will include a cost impact assessment to the trade and a timeframe for the introduction of the new elements for new and existing licence holders.**
- 3. The final policy will be brought back to members for approval.**

1. PURPOSE OF THE REPORT

- 1.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. Between 1 April 2015 and 31 March 2017, the number of drivers and vehicles licensed within the district increased by 31% and 17% respectively. The service currently operates within a number of separately published policies and procedures, but has no overarching policy document. It was agreed by the Licensing and Protection Committee in July 2017 that a dedicated taxi policy be formulated, consulted upon and published. On 20 September 2017 the Licensing and Protection Committee approved a draft policy for public consultation.
- 1.2 The purpose of this report is to inform members of the public consultation responses and recommendations put forward.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The introduction of a policy provides the ability to state and extend our aims and objectives, including additional areas such as protection from harm, environmental sustainability and crime and disorder. It has also provided an opportunity to review, update, introduce or discontinue elements to ensure they are LEAN and customer led.
- 2.2 Some changes are statutory, whilst others are in line with our corporate plan or provide positive improvements to standards. Our standards going forward will determine our position in the market and include measures to support the local community.
- 2.3 The document sets out the Council's policy and duties relating to the licensing of Hackney Carriage and Private Hire drivers, vehicles and operators. It provides guidance and information on the approach taken by the Council in administering its functions and addresses the legislative framework. Once introduced, the policy will need regular updating to reflect changes, but will provide a customer focused and readily available reference for the trade and the public. It will be available to view on line.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 At the meeting on 20 September 2017, members agreed the scope of the policy document.
- 3.2 The following legislative elements were included:
 - The operation of 3 year licences for drivers and 5 year licences for operators with effect from 1.4.18 with the option for 1 year licences, if appropriate
 - new statutory provisions relating to the Immigration Act 2016 and right to work in the UK.
 - statutory provisions relating to the Equality Act 2010.
- 3.3 It was agreed that the following be consulted upon as being examples of good practice, providing a safe and secure taxi service to the public and raising standards:
 - The introduction of new elements of training for drivers on child sexual exploitation, safeguarding and disability awareness.
 - To review the conditions for drivers, vehicles and operators.

- To update the Council's guidelines relating to the relevance and treatment of convictions.
- To introduce a local knowledge test for new drivers.
- To introduce an English/ Maths test
- Imposing an age limit on licensed vehicles.
- Consideration of a more uniform appearance for Hackney Carriage Vehicles.
- Consideration of mandatory door stickers for Private Hire Vehicles.
- A requirement for operators to have a documented complaints procedure.
- Consideration of new requirements for operators, including a sliding scale of fees

3.4 At the meeting on 20 September 2017, members also agreed that:

- The penalty points system in its current format be discontinued.
- The delegations of authority be reviewed as a separate exercise.

4. KEY IMPACTS / RISKS

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

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

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

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

5.1 Twelve weeks public consultation and engagement with the trade on the new policy was undertaken between October and December 2017.

5.2 It is proposed that implementation of the policy/ proposals will be introduced as soon as reasonably practicable, however there may be elements that will take longer to put in place or require a period of time to achieve. Examples of this may include a transition period when renewing a vehicle following commencement of the vehicle age policy. Similarly, that a period of one year be permitted for existing drivers to undertake safeguarding/ equality training.

5.3 It states in the policy that amendments to sections of the policy can be undertaken without requiring public consultation on the whole document. This will enable periodic reviews to keep the document relevant and current. It will also enable sections of the document to be updated as appropriate.

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

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

7. CONSULTATION

7.1 The draft policy was introduced to Policy Development Group on 23 May 2017 and the Licensing and Protection Committee on 5 July 2017. Consultation with

the trade and public took place over a twelve week period between 29 September and 22 December 2017 in accordance with Cabinet Office guidelines.

7.2 Seven individual written responses and one hundred and forty five responses to the on-line survey were received. Forty of the on-line survey responses are considered to be valid and have been considered. A further one hundred and five virtually identical responses originating from one IP address have been discounted as being vexatious. The individual comments have been summarised and are attached as Appendix B, together with an appropriate response and action taken. The results of the on-line survey are attached as Appendix C. Of the 40 relevant responses received to the survey, 75% lived within Huntingdonshire District.

7.3 It is for the Licensing Authority to consider the views of consultees and attach an appropriate weight on whether they should be taken into account and to what extent. Some of the matters raised fall outside the scope of the policy and/or the consultation exercise undertaken. However, it is acknowledged that a number of other issues have arisen as a result of the consultation that will be investigated separately as a part of on-going review to effective service delivery. E.g. emission limits and air quality considerations, electric cars etc.

7.4 Views were invited on the following specific issues:

Legislative – will be introduced

- Should the Council have a dedicated licensing policy for the Hackney Carriage and Private Hire trade reflecting current legislation and guidance? 85% (34) strongly agreed or agreed, together with 3 individual responses in support.
- Do you agree that the Council's conditions for drivers, operators and vehicles be revised and kept up to date? 85% (34) strongly agreed or agreed.
- Do you agree that the council's guidelines relating to the relevance and treatment of convictions for new and existing drivers be kept relevant and up to date? 100% (40) strongly agreed or agreed.

Good practice – consultation in favour – will be introduced

- Do you agree that all licensed drivers should undertake training on equalities, child sexual exploitation, safeguarding and disability awareness? 77.5% (31) strongly agreed or agreed. Training will be included in the policy.
- Should the Council include within the policy a code of conduct for licensed drivers and operators? 90% (36) and 1 individual responded Yes. This will be introduced and reflected in the policy.
- Should the Council introduce a local knowledge test for new drivers? 67% (26) responded Yes. This will be introduced and reflected in the policy.
- Should the Council introduce a basic assessment of English language and arithmetic for new drivers? 90% (36) responded Yes. This will be introduced and reflected in the policy.
- The Health Act 2006 prohibits smoking in vehicles. Should the Council extend this to electronic cigarettes and vaping? 82.5% (33) and one individual responded Yes. This will be introduced and reflected in the policy.
- Following an accident, do you agree that a vehicle should be inspected and/or submitted to the testing station to ensure it is safe to drive before

the plate is re-issued? 72.5% (29) responded Yes. This will be reflected in the policy and conditions.

- Should the Council introduce a maximum age policy at first application with HDC for licensed vehicles? 62.5% (25) responded Yes, 30% (13) suggesting a maximum age. (37.5%) (15) responded No, Taking into account the survey responses, individual responses and an average of the age suggestions the policy will include a maximum age on first application of seven years. This will be introduced and reflected in the policy.
- Should the Council introduce a maximum age policy at renewal with HDC for licensed vehicles? i.e. the maximum age a vehicle can hold a licence. 67.5% (23) responded Yes, 30% (12) suggesting a maximum age. 42.5% (17) responded No. Taking into account the above responses, individual responses and an average of the age suggestions the policy will include a maximum age on renewal of twelve years. This will be introduced and reflected in the policy.
- Do you agree that the Council should not licence any Private Hire vehicles that look like Hackney Carriage Vehicles? 72% strongly agreed or agreed. This will be introduced and reflected in the policy.
- Should all Hackney Carriage vehicles have signage stating 'Licensed Hackney Carriage' and bear the Council's logo? 80% (32) responded Yes. 20% responded No, together with one individual comment of 'no, unless free of charge'. This will be introduced and reflected in the policy.
- Should all Private Hire vehicles have signage stating 'Private Hire Vehicle – Insurance invalid unless pre-booked with operator' and bearing the Council logo? 61.54% (24) responded Yes, 38.46% (15) and 1 individual responded No. Alternative wording of 'No booking – no ride' has been proposed for consideration
- Do you agree that operators should have a documented complaints procedure that can be made available to the Council upon request? 87.5% (35) strongly agreed or agreed. This will be reflected in the policy.

Good practice – consultation in favour – will not be introduced

- Should Private Hire vehicles be permitted to use magnetic signage instead of fixed signage? 57.5% (23) responded yes, together with 2 individual responses, 42.5% (17) responded No. The Council has taken into account the comments received, but has also considered other factors such as loss, theft and misuse. It is therefore proposed that the Council will not be introducing this form of signage on 1st April 2018, but will undertake further investigations with other Councils currently using magnetic signage.

Good practice – consultation not in favour – will not be introduced

- Should all licensed drivers be required to hold a first aid certificate? 62.5% (25) and 1 individual responded No. This will not feature in the policy.
- Should the Council require CCTV in all licensed vehicles? 65% (26) and 2 individuals responded No. This will not feature in the policy.
- Should all Hackney Carriage vehicles be the same colour? 67.5% (27) responded No. 32.5% (13) and 1 individual response responded Yes. A coloured livery will not feature in the policy.

No overall concensus - will not be introduced.

- Should the Council change from a single set fee for an operator's licence to a sliding scale of fees based upon the number of vehicles operated?

52.5% (21) responded Yes, 47.5% (19) and 2 individuals responded No. Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 only allows for the recovery of costs associated with the issue and administration of the licence. The number of vehicles is considered to be immaterial and for this reason it is proposed that the Council continues its current practice of one fee.

Consultation in favour – to be considered as a separate exercise

- Do you consider there is a need for the Council to limit the number of Hackney Carriage vehicle licences granted within the district? 57.5% (23) responded Yes. A demand survey will firstly need to be undertaken and for this reason cannot be incorporated into the policy at present. However the Council has noted the result of the survey.

7.5 Having considered the responses to the consultation exercise, clearly respondents agree that the Council should have an overarching policy document that reflects current legislation and guidance, that is relevant and kept up to date.

8. LEGAL IMPLICATIONS

8.1 Legal implications may arise as a result of non-compliance with legislation, leaving us open to challenge and the possibility of costs being awarded against the Council. This overarching policy will state the way in which the Council will undertake its statutory duties. The advice of a taxi licensing specialist has been taken in the drafting of the final policy.

9. RESOURCE IMPLICATIONS

9.1 There will be a staff resource implication for completion of the work to be undertaken and its implementation. It will require the design of different processes and on-going communication with the trade. Once in place the new policy should generate efficiencies. The changes proposed will be met from within existing resources.

9.2 All fees and charges associated with taxi licensing must be self-financing and on a cost recovery basis only. Any changes determined as a result of this report will impact upon fees and charges. Some costs may be absorbed within licence fees, but others will need to be borne by the applicant. As methods of implementation and procedures are still to be determined, a review of fees and charges mid-term through the financial year is likely and the business case considering the options for implementation will include a cost impact assessment.

10. REASONS FOR THE RECOMMENDED DECISIONS

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

11. LIST OF APPENDICES INCLUDED

- Appendix A – Results of on-line survey
- Appendix B – Summary of individual responses received

BACKGROUND PAPERS

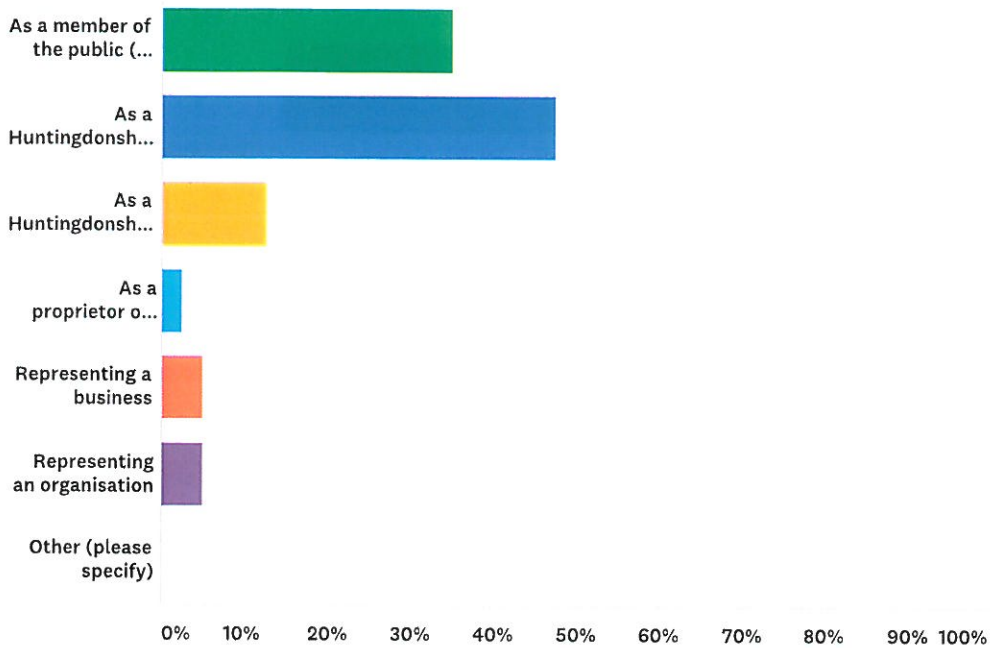
LGA example Taxi & PHV licensing criminal convictions policy template – Feb 2017
Various existing documents relating to conditions for drivers, vehicles and operators, byelaws, plate exemptions and guidelines relating to the relevance and treatment of convictions.

CONTACT OFFICER

Susan Walford, Operational Manager (Business)
Tel No: 01480 388002

Q1 In what capacity are you replying to this consultation?

Answered: 40 Skipped: 0

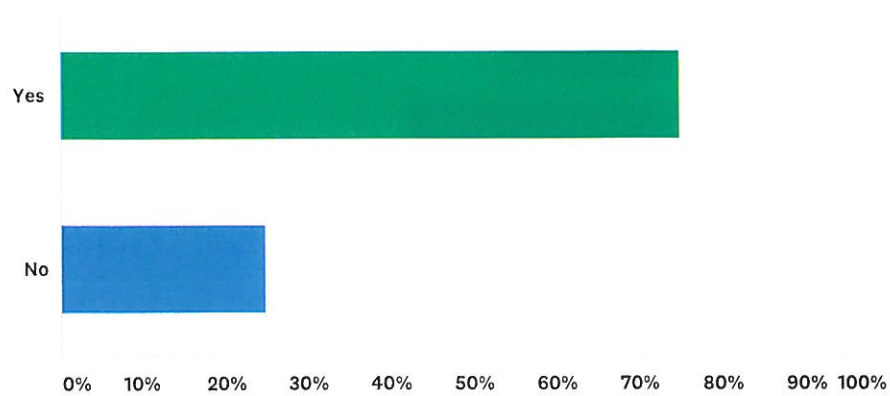


ANSWER CHOICES	RESPONSES	
As a member of the public (not a taxi driver)	35.00%	14
As a Huntingdonshire District Council licenced Hackney Carriage or Private Hire driver	47.50%	19
As a Huntingdonshire District Council licenced operator	12.50%	5
As a proprietor of a Huntingdonshire District Council licenced vehicle	2.50%	1
Representing a business	5.00%	2
Representing an organisation	5.00%	2
Other (please specify)	0.00%	0
Total Respondents: 40		

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Q2 Do you live in Huntingdonshire District?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

75.00%

25.00%

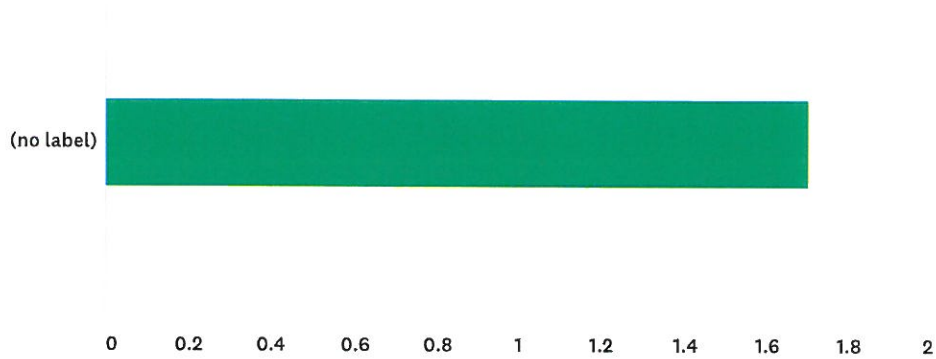
30

10

40

Q3 Do you agree that the Council should have a dedicated licencing policy for the Hackney Carriage and Private Hire trade reflecting current legislation and guidance?

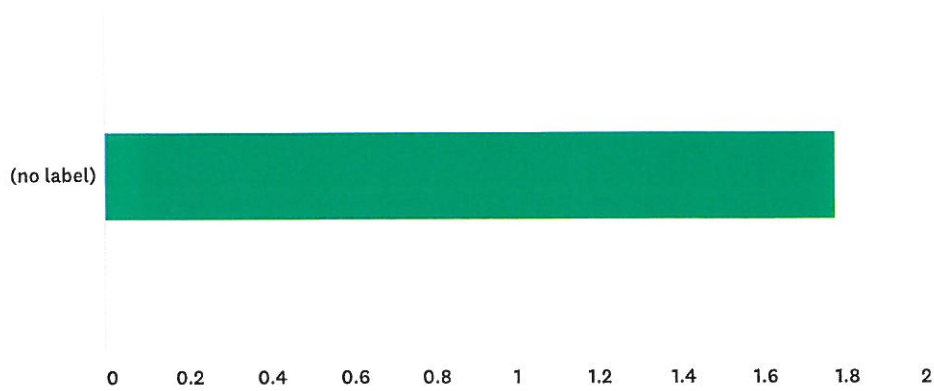
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	50.00% 20	35.00% 14	10.00% 4	5.00% 2	40	1.70

Q4 Do you agree that all licensed drivers should undertake training on equalities, child sexual exploitation, safeguarding and disability awareness?

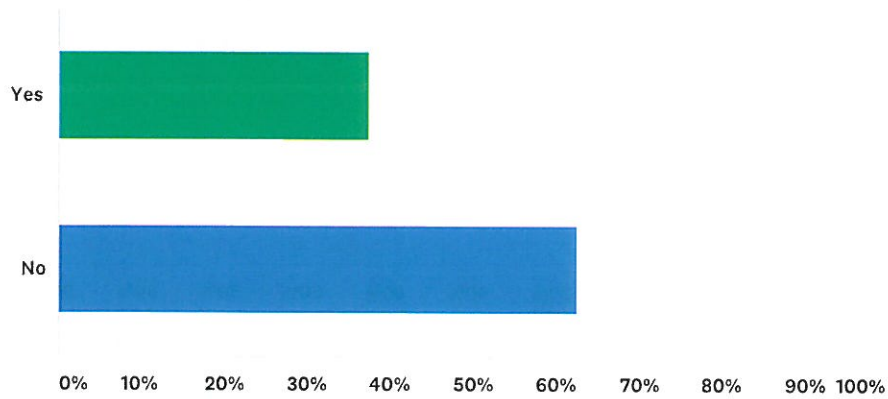
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	50.00% 20	27.50% 11	17.50% 7	5.00% 2	40	1.77

Q5 Vehicles are required under the Council's existing conditions to carry a First Aid Kit, there are no plans to change this requirement. In addition, should all licensed drivers be required to hold a first aid certificate?

Answered: 40 Skipped: 0



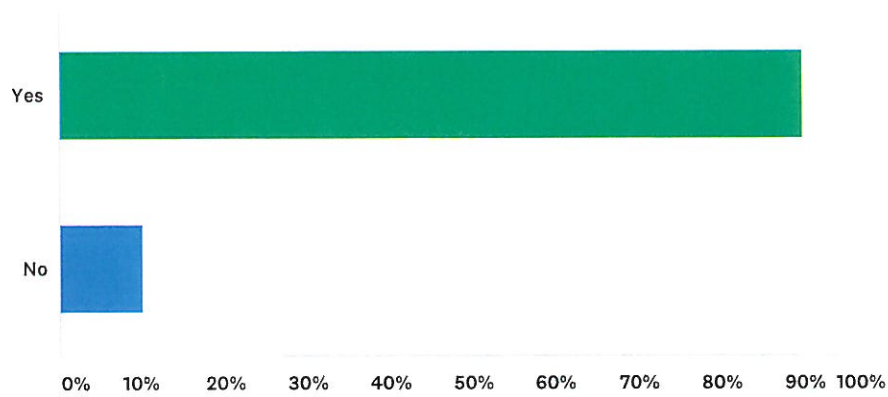
ANSWER CHOICES

RESPONSES

Yes	37.50%	15
No	62.50%	25
TOTAL		40

Q6 Should the Council include within the policy a code of conduct for licensed drivers and operators?

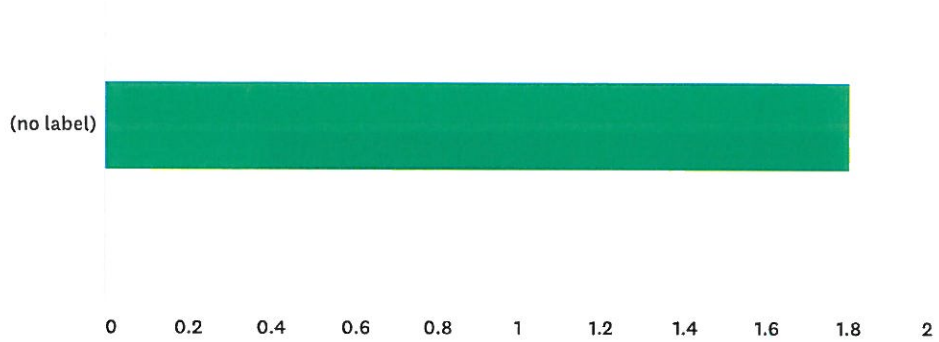
Answered: 40 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	90.00%	36
No	10.00%	4
TOTAL		40

Q7 Do you agree that the Council's conditions for drivers, operators and vehicles should be revised and kept updated?

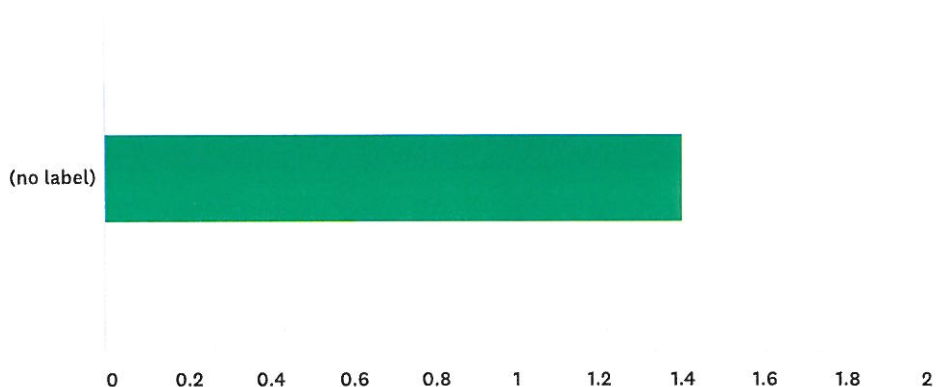
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	40.00%	45.00%	10.00%	5.00%	40	1.80
	16	18	4	2		

Q8 Do you agree that the Council's guidelines relating to the relevance and treatment of convictions for new and existing drivers be kept relevant and up to date?

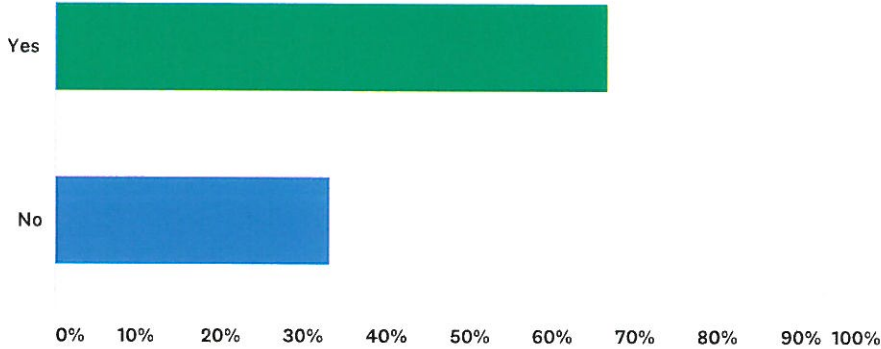
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	60.00% 24	40.00% 16	0.00% 0	0.00% 0	40	1.40

Q9 Should the Council introduce a local knowledge test for new drivers?

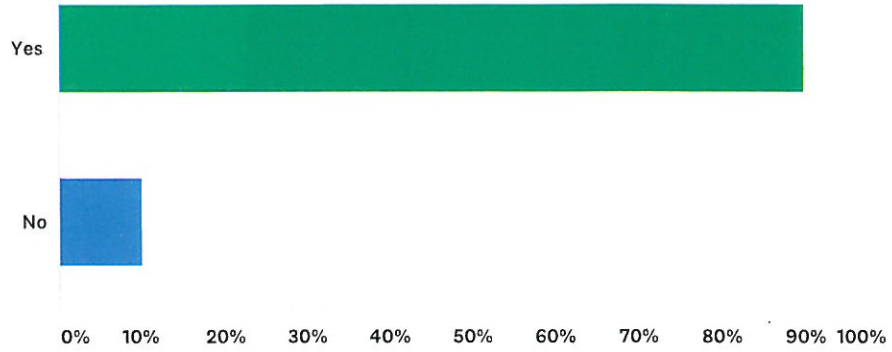
Answered: 39 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	66.67%	26
No	33.33%	13
TOTAL		39

Q10 Should the council introduce a basic assessment of English language and arithmetic for new drivers?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

90.00%

10.00%

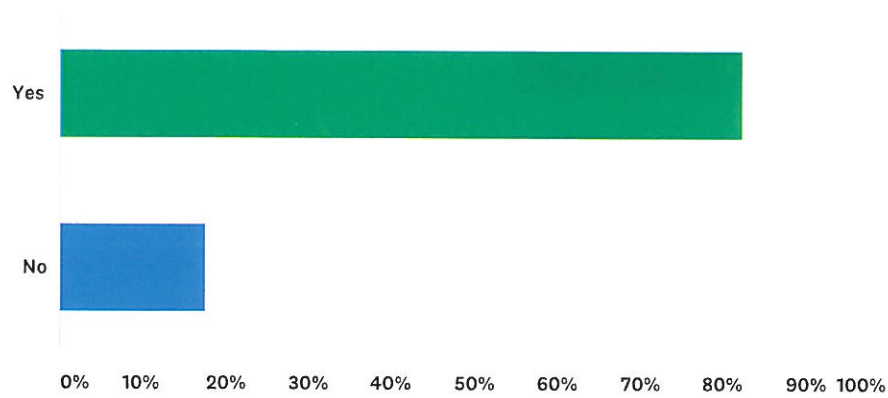
36

4

40

Q11 The Health Act 2006 prohibits smoking in vehicles. Should the Council extend this to electronic cigarettes and vaping?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

82.50%

17.50%

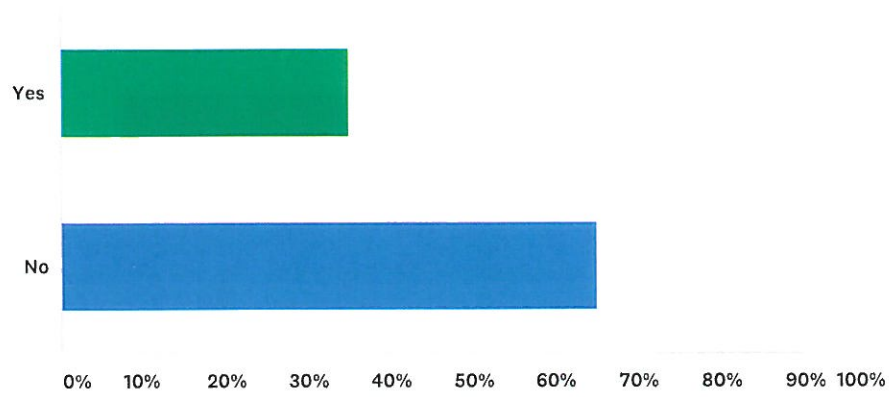
33

7

40

Q12 Should the Council require CCTV in all licensed vehicles?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

35.00%

65.00%

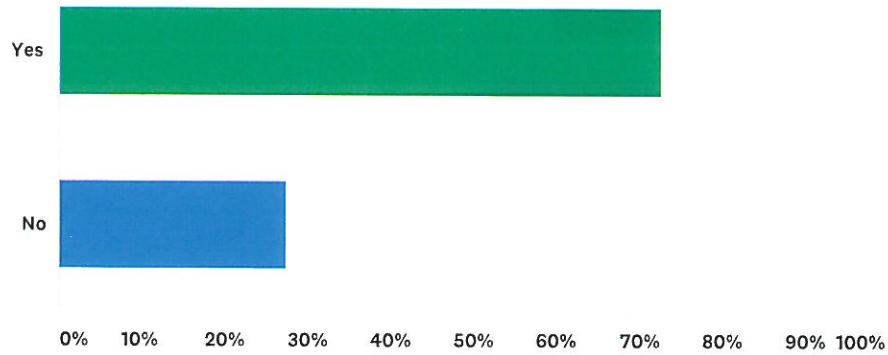
14

26

40

Q13 Following an accident, do you agree that a vehicle should be inspected and/ or submitted to the testing station to ensure it is safe to drive before the plate is re-issued?

Answered: 40 Skipped: 0



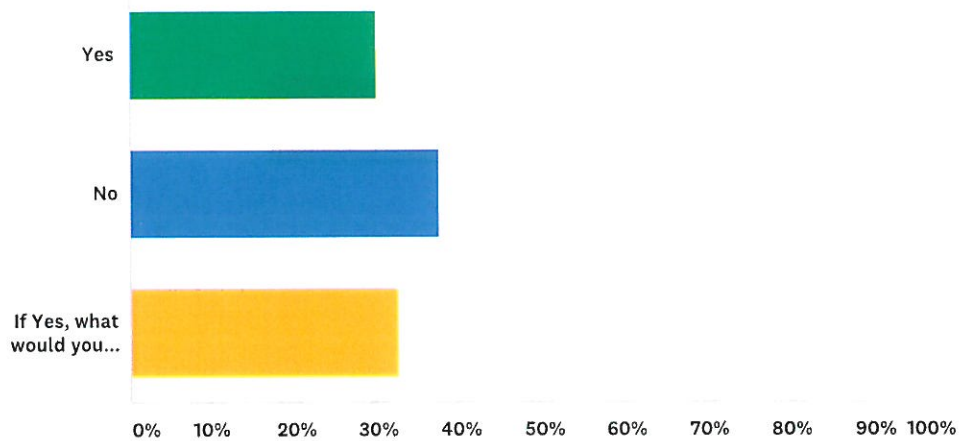
ANSWER CHOICES

RESPONSES

Yes	72.50%	29
No	27.50%	11
TOTAL		40

Q14 Should the Council introduce a maximum age policy at first application with Huntingdonshire District Council for licensed vehicles?

Answered: 40 Skipped: 0



ANSWER CHOICES

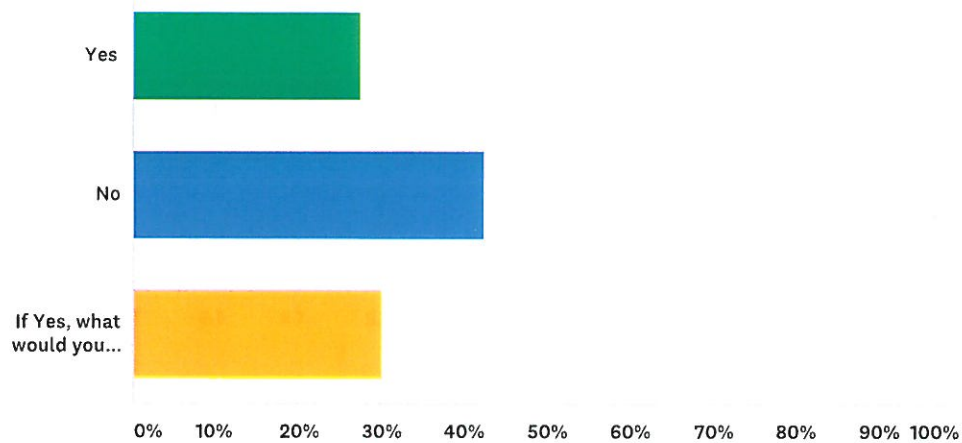
RESPONSES

Yes	30.00%	12
No	37.50%	15
If Yes, what would you suggest to be the maximum age of a vehicle on first application of licence?	32.50%	13
TOTAL		40

#	IF YES, WHAT WOULD YOU SUGGEST TO BE THE MAXIMUM AGE OF A VEHICLE ON FIRST APPLICATION OF LICENCE?	DATE
1	10	11/30/2017 5:25 AM
2	3 years	11/27/2017 10:09 PM
3	10 years dependent on how vehicle has been treated.	11/22/2017 5:11 PM
4	15	11/21/2017 9:06 PM
5	5 years	11/8/2017 10:34 AM
6	I believe this should be 3 year old.	10/26/2017 10:03 AM
7	5 years	10/23/2017 8:23 PM
8	3 years	10/22/2017 7:22 PM
9	10	10/20/2017 2:15 PM
10	10 years from first registration	10/16/2017 11:34 AM
11	6 years	10/4/2017 10:25 PM
12	4yrs	10/3/2017 2:59 PM
13	10	10/1/2017 5:38 PM

Q15 Should the Council introduce a maximum age policy at renewal with Huntingdonshire District Council for licensed vehicles? i.e. the maximum age of a vehicle that can hold a licence

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes	
No	
If Yes, what would you suggest should to be the maximum age of a vehicle on renewal?	
TOTAL	

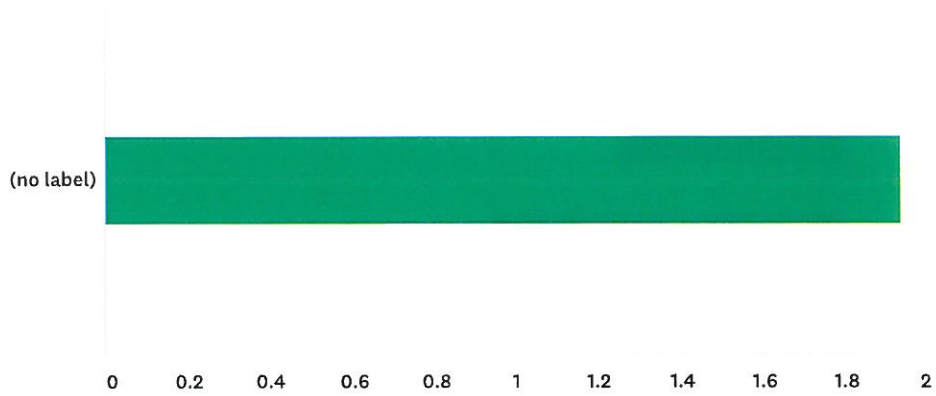
RESPONSES

27.50%	11
42.50%	17
30.00%	12
	40

#	IF YES, WHAT WOULD YOU SUGGEST SHOULD TO BE THE MAXIMUM AGE OF A VEHICLE ON RENEWAL?	DATE
1	7 yrs	11/27/2017 10:09 PM
2	10 years dependent on how vehicle has been treated	11/22/2017 5:11 PM
3	12 years	11/8/2017 10:34 AM
4	8	11/2/2017 12:11 AM
5	10	10/28/2017 9:06 AM
6	Age is not relevant it is Condition and if the car is Road worthy and clean.	10/26/2017 10:03 AM
7	10 years	10/23/2017 8:23 PM
8	8 years	10/22/2017 7:22 PM
9	12 years	10/4/2017 10:25 PM
10	30	10/4/2017 12:46 PM
11	7yrs	10/3/2017 2:59 PM
12	15	10/1/2017 5:38 PM

Q16 Do you agree that the Council should not licence any Private Hire vehicles that look like Hackney Carriage vehicles?

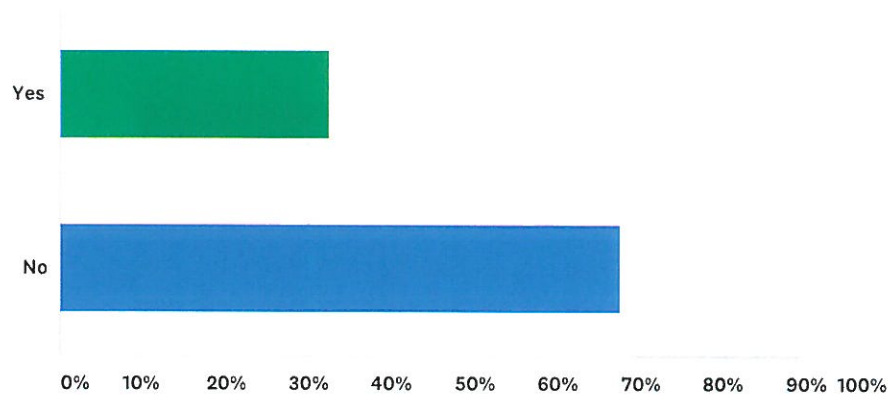
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	42.50% 17	30.00% 12	20.00% 8	7.50% 3	40	1.93

Q17 Should all Hackney Carriage vehicles be the same colour?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

32.50%

67.50%

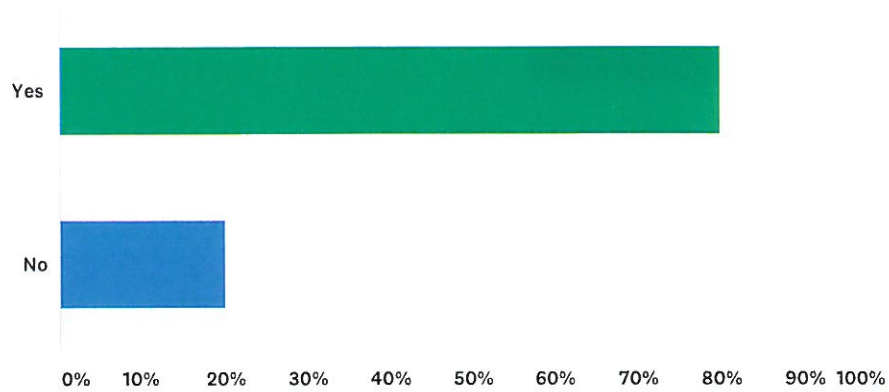
13

27

40

Q18 Should all Hackney Carriage vehicles have signage stating 'Licensed Hackney Carriage' and bear the Council's logo?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

80.00%

20.00%

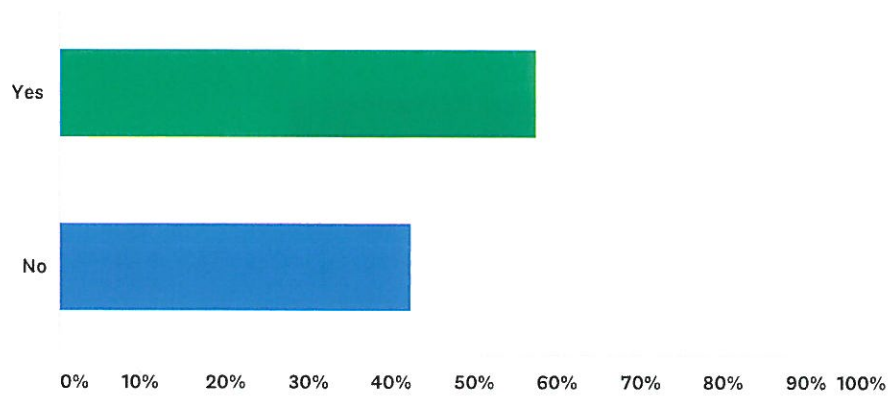
32

8

40

Q19 Do you consider there is a need for the Council to limit the number of Hackney Carriage Vehicle licences granted within the district?

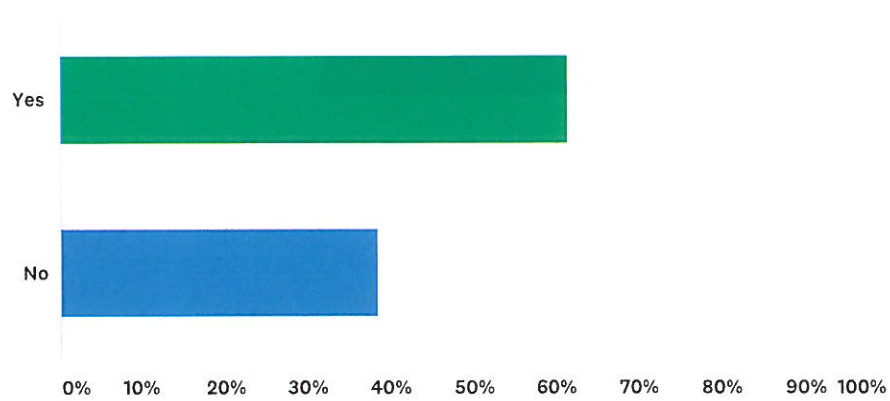
Answered: 40 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	57.50%	23
No	42.50%	17
TOTAL		40

Q20 Should all Private Hire vehicles have signage stating 'Private Hire Vehicle - Insurance invalid unless pre-booked with operator' and bearing the Council logo?

Answered: 39 Skipped: 1



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

61.54%

38.46%

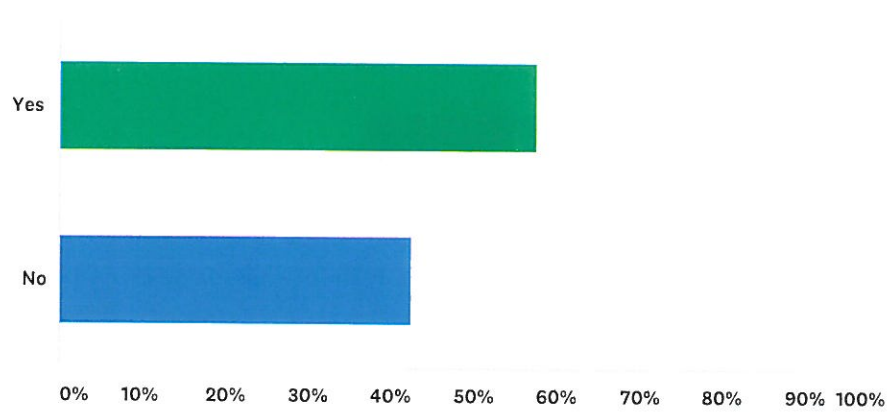
24

15

39

Q21 Should Private Hire vehicles be permitted to use magnetic signage instead of fixed signage?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

57.50%

42.50%

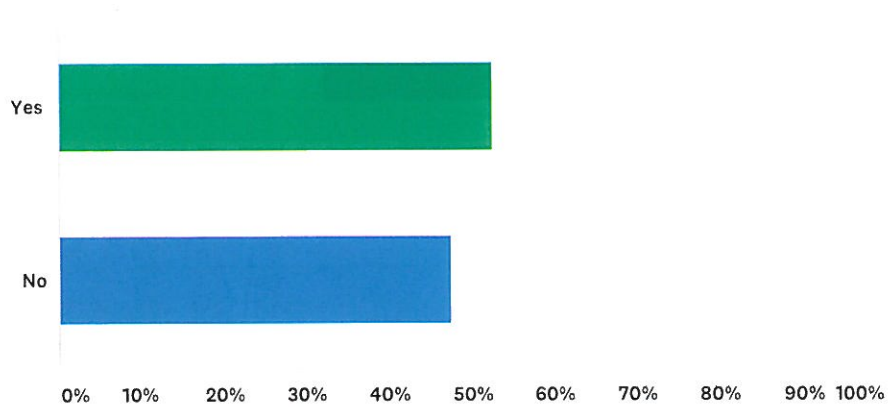
23

17

40

Q22 Should the Council change from a single set fee for an operator's licence to a sliding scale of fees based upon the number of vehicles operated?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

52.50%

47.50%

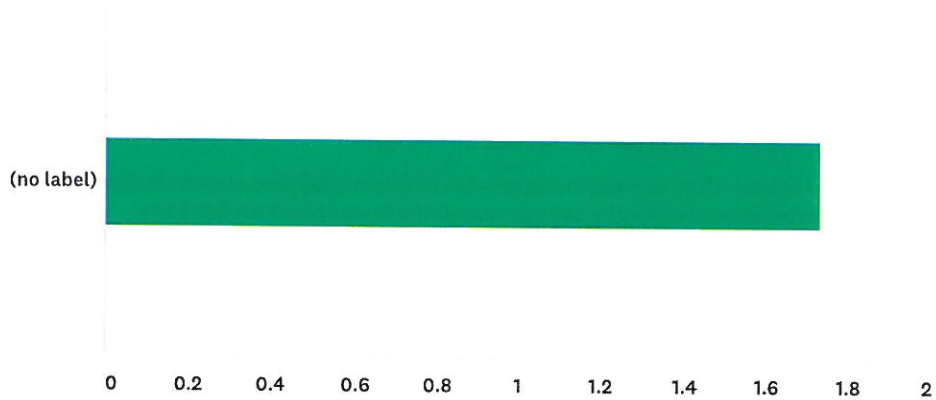
21

19

40

Q23 Do you agree that Operators should have a documented complaints procedure that can be made available to the Council upon request?

Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	47.50%	40.00%	5.00%	7.50%	40	1.73
	19	16	2	3		

Q24 Thank you for completing the survey. Please enter any additional comments here.

Answered: 25 Skipped: 15

#	RESPONSES	DATE
1	The practice of charging the distance to pick up people when they are not in the car should stop. This does not happen in other parts of the UK. I also had a driver this week say that as the A14 was closed he was going to add the cost of him driving back to base AFTER dropping me off on to the bill as it was longer than normal, that was Steve's taxi's	12/19/2017 2:37 PM
2	in general the taxis i use are clean and have a higher standard in maintainance so no chnages are required as that the same time the day and age were living in we should not bring any hardship to drivers as they follow the councils policy and age of vehicles should not be changed if they are changed the current vehicles should be given lee way which doesnt give them hardship	12/14/2017 10:58 PM
3	In point 3.56 the policy refers to only licencing side loading WAV's. Cambridgeshire Alliance for Independent Living (www.cail.org.uk) are aware of people who have complex disabilities and require larger wheelchairs that can only go in to a vehicle from the rear to protect them from injury.	12/14/2017 10:23 AM
4	Who will pay for the extra driver training ie writing and reading, safeguarding. Local knowledge is obsolete as they all have sat nav's	11/27/2017 10:09 PM
5	No comments	11/25/2017 9:19 PM
6	There should be one set of rules for all taxi drivers to abide my should they break the law they should loose the right to be come an operator and driver on Huntingdon district council to many sets of rules for running abusiness from home and ilegal operators from other areas running in Huntingdon District Council	11/25/2017 2:42 PM
7	Survey or policy don't talk about increasing of fares or change of tariffs as the government has announced there will be minimum pay about 10£ by the April thanks	11/23/2017 2:41 PM
8	Spot checks should be done on the vehicles for cleanliness inside, also for drivers to be wearing their l.d badges. I don't think it's a bad idea to do random drink/ drug tests.	11/22/2017 9:45 AM
9	I don't think there should be an age restriction on vehicles. It should go by the condition of each vehicle (interior & exterior) at test level also possibly some spot checks would be good to make sure it's not just made to look pretty at test.	11/22/2017 7:24 AM

- 10 There should be no additional Policy document or other document that sits either outside or alongside the existing conditions of license documents - the general public struggles as it is with understanding the existing stipulations and what they mean to them as service users, without creating further complications by the introduction of parallel documents that will only add further confusion. For this reason, the "code" referred to in Q6, should be introduced if and only if it can be incorporated into the existing conditions of license and should not sit in any separate document. Whilst I have had training as a workplace first-aider, I do not believe I should be required to accept responsibility for administering first aid to members of the public as a "trained first-aider", whether or not they are passengers in a vehicle driven by me, not least as it is unclear what liability my acts or omissions may render me liable to in either a civil or in a criminal case - see Good Samaritan provisions which may render the Samaritan liable if his/her actions (inadvertently) make the situation worse. What is the purpose of a vehicle age restriction? Any such restriction would be arbitrary as bespoke taxi vehicles are purpose designed and built for the work of a taxi in a way that ordinary motor cars and modified vehicles (vehicle manufacturers, vans and mini-buses are not. The vehicle types are not comparable and if fitness for purpose and the condition in which the vehicle is maintained is the issue, this should be dealt with by improved vehicle condition rules as part of the annual taxi test, together with random roadside inspections - I have seen on documentary programmes that other licensing councils do this, and I would argue it is far more effective at ensuring that vehicles are constantly maintained to a high standard, rather than just being made ready once a year for a test - what we all want is an affordable, as well as a clean, well presented, reliable and safe vehicle to ride in, and that's exactly what I offer my customers, despite my vehicle being older. It's not the age of my vehicle that makes it superior, it's the maintenance I see to it getting and the money I spend on maintaining its mechanicals, and importantly, it's appearance and comfort. Training in equality and related issues should not be a requirement of taxi and PH drivers, however, it should not be onerous or costly for the Council to issue drivers with information documents at license renewal and will achieve the Council's aims no less effectively. Before introducing new requirements or conditions or extending the scope of those already in place, the Council should first concentrate on active enforcement by its own officers of the existing regulations and conditions - e.g. to end the touting currently taking place on a routine and daily basis by PH drivers on days when office bookings are slow: customers won't complain if they get a ride home and aren't especially bothered that they're not insured on three short 5 - 10 minute drive - This is probably the single biggest and most frequently occurring public protection issue in the trade in Huntingdonshire District and one we must actively address if we are to jointly improve the reputation of the industry, and it can't be left solely for taxi and PH drivers to challenge and/or report the miscreants to HDC. Evidence needs to be gathered by independent officers, warnings issued and if unheeded, licences revoked - after all, the touting PH driver may not even be licensed to drive the PH car he/she is offering for hire, and without an office to provide bookings to the driver, touting would be more likely to take place, especially as many customers I have driven have been surprised to learn that I am required to wear/display an HDC issued ID identifying me to them as a licensed driver. It would also be great if, jointly with HDC, we could set up a public education programme so that service users can learn about the differences between HCs and PHs, their rights on charging and charging methods, what they should expect from their HC or PH driver etc - if we can educate our service users and raise their expectations and knowledge, regulation will become so much more effective and we will have a local service industry that adheres to standards and provides a consistent level of customer service throughout the District.
- 11 Introduce a more clearly defined and specific criteria for ensuring the quality rather than age of vehicle - maintenance is more important - there are some shocking private hire vehicles. Random roadside inspections - I've seen spare tyres being swapped at Huntingdon Dress code policy is needed Mystery shopper programme at taxi ranks Taxis are better than minicabs in my experience All taxis and minicabs should have child and booster seat 11/21/2017 10:28 PM
- 12 Thanks 11/21/2017 9:06 PM
- 13 Before granting a 3/5 year licence for drivers/operators a licence should be granted for an initial period of one year to ensure they are fit and proper before being granted a licence of a longer duration. 11/8/2017 10:34 AM
- 14 Minimum age for a applicant should be 25 years of age. Minimum driving experience for an applicant applying for a hacknet Carriage/Private Hire Driver's Licence should be 5 years WITHOUT any traffic related endorsements, such as dangerous driving, excessive speeding penalties 10/28/2017 5:04 PM
- 15 There should be a policy that covers vehicles suitable to carry disabled passengers with wheelchairs. An operator should have to have a suitable vehicle for every five normal vehicles. 10/26/2017 10:03 AM
- 16 age limit should not be changed as this will cause for concern drivers as vehicles that are already with plates of license if u need to change it cars with 2005 and before should not be allowed as they are old this way it helps the drivers who currently Have vehicles are newer which will bring hardship due to costs and maintainance and uncertainty in the market. 10/25/2017 4:23 PM

17	car age limits should not be changed as all cars owners will not be able to afford vehicles if they are changed this will bring hardship or anything vehicle before 2005 should not be in taxi.thanks	10/25/2017 4:09 PM
18	All vehicles licensed by the council must have a standard MOT test certificate like everyone else	10/22/2017 7:22 PM
19	there are too many taxis and private hire .please cap the numbers .	10/20/2017 5:25 PM
20	Too many HDC Hackney's in the Peterborough area with different company names	10/20/2017 2:15 PM
21	I disagree with the vehicles having to have a maximum age limit etc, as long as the vehicle is in roadworthy condition that's what should matter, vehicles should also be allowed to have magnetic signs on vehicles as if they are on permanently then it gives thieves a reason to break into the car!	10/18/2017 8:19 PM
22	Drivers could do with magnet signs displaying private hire in general vehicles are clean and tidy and good order	10/17/2017 3:18 PM
23	There is a problem in recruiting drivers. the applicants are there, but the process is too convoluting and expensive. I further believe that there has to be an easier way in licensing drivers. apart from the DBS, which is important, the use of third party contractors to implement the regulations to license a driver should be reviewed.	10/16/2017 11:34 AM
24	Question 20 answer would be Yes except for plate exempt executive cars. Should be an emissions limit for PH vehicles. No euro 4 vehicles.	10/4/2017 10:25 PM
25	Please consider allowing all taxis to use MyTaxi (or similar apps) for booking and to enforce that all cars (private hire + hackney) accept cards	10/1/2017 5:38 PM

Area of Policy	Summary of Comments received	Consideration	Action required within the policy document
Introduction/ General			
General	<p>Reference the relationship we have with other districts. No objection to changes. Changes implemented should be fair for everyone. (NHT)</p> <p>Complaints centre around taxis being late, overpriced, drivers not being presentable and poor customer service. Hopefully the changes will get customers the service they require. (NHT)</p> <p>Welcome updating the policy but some of the changes proposed are needless. Service should not deteriorate because of cost cutting. Increase licensing staff to reflect workload. Don't rush through. (ST)</p>	<p>Comments noted</p> <p>Comments noted.</p> <p>Comments noted.</p>	<p>Relationships with other districts have been included.</p> <p>The policy contains a section on 'code of conduct' which refers to standard of dress, behaviour and customer service.</p> <p>Comments have been addressed individually in the relevant sections.</p>
Vehicles			
Definitions, specifications and conditions	<p>3.10 should read "except when the vehicle is being tested by a garage mechanic or other garage staff to convey it to the testing station" (ST)</p>	<p>Legislation states that a vehicle can only be driven by a licensed driver (except when being tested by a garage mechanic). We are unable to extend the exception as suggested.</p>	<p>No further action.</p>
Smoking	<p>3.11 should include "no vape products to be used in the vehicle at any time" (ST)</p>	<p>Comment noted</p>	<p>The policy has been amended to prohibit vape products</p>
Signage, livery and advertising	<p>3.14 (HCV) I do not agree with vehicles having this logo and wording , unless supplied free of charge (ST)</p> <p>3.15 (PHV) I do not agree with vehicles having this wording on the doors unless supplied free of charge. Suggested wording "No booking- no ride". (ST)</p>	<p>Comments noted.</p>	<p>All comments will be taken into account alongside the corresponding result of the survey.</p> <p>The suggestion of "No booking- no ride" will be</p>

			considered as suitable alternative wording.
Age limit on vehicles	<p>Sensitive – for the Council to decide a fair outcome. Needs to be realistic. Do not compare to cities. Drivers will take the hit and we do not want no drivers as a result. (NHT)</p> <p>Reducing the car age to 5 years old would be good, 15 years is too old.</p> <p>Age limit should not be changed, will lose drivers. If implemented 2-3 years grace should be given to current owners. (DJW)</p> <p>A licensed vehicle should not be more than 12 years of age from date of registration. (RV)</p> <p>The maximum age due to the rugged nature of the job should be 7 years. (ST)</p>	Comments noted	All comments will be taken into account alongside the corresponding result of the survey. Grandfather rights for renewals will be given.
HC livery	Might be an idea for all HCV's to be the same colour as adopted by Newmarket and Bedford. (RV)	Noted	Comment will be taken into account alongside the corresponding result of the survey.
CCTV	<p>No thanks (DJW)</p> <p>Do not agree. No benefit to anyone and causes a paper mountain. (ST)</p>	Comments noted	Comment will be taken into account alongside the corresponding result of the survey.
Hackney Carriage Vehicle specification	HCV's should have a box or light on top that can be illuminated.(NA)	HDC's taxi byelaws require a roof of the vehicle to be fitted with an illuminated sign.	The byelaws will be appended to the final policy.
Door stickers	<p>Magnets instead of stickers. Stickers are messy.(NA)</p> <p>If owner driver and sole vehicle, may wish to remove door signs when using vehicle privately. They should not be permanently affixed. (ST)</p>	<p>Noted</p> <p>Noted</p>	Comments will be taken into account alongside the corresponding result of the survey.
Plate display exemption	There is no issue re displaying a plate rather than obtaining an exemption, but could consideration be given	The provision of a smaller plate was not a part of the policy consultation,	No further action within the policy document.

	to a smaller style type plate as Bedford? (RV)	however the comment has been noted.	
Standards of vehicles	It is possible to switch components for testing, then switch back. It is also possible to obtain one month's insurance for hire and reward, then switch back to social, domestic and pleasure once through the test. There needs to be a more robust methodology for testing and insurance checking to avoid 'cheating'. (RV)	Comments noted. Testing is undertaken to VOSA specifications. Insurance documents are currently verified at time of testing and must be of at least one month's duration.	Consideration will be given as to whether the Council should require evidence of continued insurance throughout the entire period of the licence.
Vehicle testing	3.36 Appointed testing station. A second provider would ease the pressure.	Comment noted. At times of pressure extra slots are allocated to match the need. This is not a matter that was consulted upon within the policy.	No change.
Accidents/ Replacement Vehicles	3.40 Disagree. Operators are responsible for their vehicles. (ST) 3.41 Not necessary. (ST) 3.42 Pointless. Not all accidents involve insurance companies. (ST)	Comments noted.	Comments will be taken into account alongside the corresponding result of the survey
Vehicles or weddings/ stretch limousines (8 or less passengers)	Should be licensed. (RV)	Legislation exempts wedding vehicles. HDC has conditions for stretched limousines.	The conditions for stretched limousines will be appended to the final policy.
Drivers			
3 year driver licence	Too much. Some drivers do not report traffic offences. How will the council know if someone has been banned ? (RV)	Legislation requires the Council to issue 3 year licences. It is a condition of the licence that drivers advise the Council of any conviction within 7 days. Failure to do so may render them before the licensing and protection sub-committee to determine whether they are 'fit and proper' to hold a licence. The Council currently requires a DBS check and	The Council will introduce a 3 year licence in accordance with legislation, but will also offer the option of a 1 year licence. The conditions for HC & PH drivers will be appended to the final

		DVLA check every three years. It is not proposed to change this practice.	policy.
Certificates of good conduct	4.28 Why insist on 5 years when TfL require 3 years? Referring back the extra time can cause delays and is unnecessary (ST)	5 years is standard practice so is stated in the policy document to reflect our current practice. No change is proposed to this requirement.	No further action.
Introduction of a knowledge test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW) HC drivers should have a local knowledge test, but PH drivers do not. (RV) 4.42 Not necessary. Sat Navs are more reliable. Should be tested on ability to enter a postcode into a Sat Nav. Important that they be tested on road signs and signposting e.g. hospitals. All applicants should have a knowledge of the Highway Code and it should be given as a part of the application pack. Cost prohibitive. An obstacle to gaining employment. Will prevent people from applying. (ST)	Comments noted. Knowledge tests generally include a section on the highway code. The highway code is available to view on the internet. www.highwaycodeuk.co.uk/	Comments will be taken into account alongside the corresponding result of the survey.
Introduction of a maths test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW) Applicants should pass a maths test (RV) 4.43 Discriminatory. Being able to write a receipt and give correct change does not require the same level of English comprehensions as having to read and understand the Council's licensing conditions. What if someone is dyslexic or cannot read or write at all?. Are they not allowed to be a taxi driver because of this? Cost prohibitive.(ST)	Comments noted	Comments will be taken into account alongside the corresponding result of the survey.
Introduction of an English test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW) An english test must be mandatory (RV) 4.43 Discriminatory. Being able to write a receipt and give	Comments noted	Comments will be taken into account alongside the corresponding result of the survey.

	correct change does not require the same level of English comprehensions as having to read and understand the Council's licensing conditions. What if someone is dyslexic or cannot read or write at all?. Are they not allowed to be a taxi driver because of this? Cost prohibitive. (ST)		
Driving Proficiency	Blue Lamp Trust test works and is quick.(RV) 4.45 Website needs updating. (ST)	Noted. There are no proposals to change this. Noted.	No action necessary. Website will be updated.
Introduction of a first aid test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW)	Comment noted	Comment will be taken into account alongside the corresponding result of the survey.
Code of Conduct	Needs spelling out and needs to be detailed (DS)	Comment noted.	The policy contains a dedicated section on the code of conduct of drivers
Medical	Is the most expensive element of the application. There is an organisation that provides a medical for £50. (RV)	Noted. The Council requires a Group 2 medical signed by a registered practitioner. Applicants are free to choose their own provider with regard to cost.	No action necessary.
Residence	All HDC licensed drivers should live in the district and be on the electoral role (RV) Driver's who do not reside in the area. Why so many? There has to be control over a driver's need to be licensed away from where they reside or work. (RV)	Comment noted. Legislation precludes the Council from implementing this suggestion. Comment noted, but the Council is bound by the provisions of the Deregulation Act.	No action can be taken.
Application Pack	Suggests a licensing application pack be made available to collect from HDC containing: application form, medical, Blue Lamp Trust info, how to register on the DBS	This is a procedural matter rather than policy, but the comments are welcomed and have been noted.	The policy will continue to be updated in line with any applicable changes..

	update service, Carecheck info, form D796, copy of highway code and frontsheet with instructions. This could be achieved at a reasonable cost of £3. (ST)		
Delegated authority	Operators have problems recruiting. For a matter needing to go before the Licensing Sub-Committee a member of staff started his application in August and it is now nearly December. This is not acceptable. An officer should be able to deal with these issues. (RV)	Delegations form a part of a separate exercise being undertaken and comment will be noted as a part of that exercise.	No action necessary in formulating the policy.
Operators			
General	5.1 To reduce poor housekeeping by operators , applicants should be able to prove their ability to run such an operation e.g. by having sufficient funds available and to pass an operators competence test. Would cut out cross border types and other who might bring the industry into disrepute. (ST)	Comments noted. The requirements for operators are set out in the draft policy. Having sufficient funds and the passing of a competence test are not currently criteria upon which we are consulting.	No action required.
Planning permission	It appears that anyone can set up as an operator from their home with any amount of vehicles and without planning permission (RV)	This is a planning matter and is subject to planning legislation and procedures.	No action necessary. Applicants are advised to check the planning portal as to whether they need planning permission to operate from the address.
Criteria	Operators should have as DBS, a HC/PH drivers licence, be resident in HDC district, have a command of the English language and have the right to work in the UK (RV)	Noted. The policy states that operators are subject to a DBS check and must have a right to work in the UK. We cannot require that they are a resident of the district, or that they hold a HC/PH drivers licence.	There is a section in the policy setting out the requirements for obtaining an operator's licence.
5 year operator licence	5 years is too much. 3 is more sensible. (RV)	Legislation requires that we offer a 5 year licence.	The Council will introduce a 5 year licence in accordance with legislation, but will also offer the option of a 1 year licence.

Operators fee to be on a sliding scale	Not happy paying a premium for the number of vehicles operated (RV) 5.21 Should be a flat fee regardless of number of vehicles operated. (ST)	Comments noted.	Comments will be taken into account alongside the corresponding result of the survey – flat fee recommended..
Operating base/ residence	I cannot see why all operators and drivers must live in the HDC area and be on the electoral role. I cannot see why the council cannot implement this (RV)	Comment noted, however legislation precludes us from applying a criteria of residence.	No action can be taken.
Record keeping	5.27 Needs clarification. (ST)	Comment noted	To be clarified.
Disability awareness	Equality Act (not Equalities Act) 5.41 The reference to disability awareness training is welcomed. Extend training to all drivers as well as operators. We recommend that all drivers undertake disability equality training when obtaining their licence. Recommend changing disability awareness training to disability equality training State that any refusal to carry assistance dogs will be investigated with a view to prosecution. 4.59 we welcome that exemption certificates will only be issued where medical evidence is provided by a specifically trained professional 4.57 should be strengthened to include the specific duties placed on drivers from S168 & 170 to carry the disabled persons dog and allow it to remain with that person and not to make a charge for doing so. 4.51 Comment welcomed and should be strengthened to drivers being required to undertake disability equality training Enforcement – refusals should be investigated with a view to prosecution/ revocation of licence. Suggested wording provided 4.58 clarify to include “due to a medical condition which	Noted Noted Considered Considered Considered Noted Noted Noted Considered Considered	Amended in policy No action necessary Amended in policy Amended in policy Amended in policy No action necessary Added to policy Amended in policy Similar suitable wording added to policy Amended in policy

	is aggravated by exposure to dogs” 4.60 It is not permissible for licensing authorities to issue exemption certificates incorporating tactile features as it would render it invalid, but recommend that licensing authorities issue certificates accompanied by distinguishable features to vision impaired passengers. (GD)	Considered	Government legislation does not require this. The form of the exemption certificate is prescribed in the legislation.
Safeguarding			
Safeguarding	A key area (DS) 6.6 Who will bear the cost of safeguarding training. Would it be better to issue a brochure rather than introducing mandatory training and adding cost to an already expensive process. (ST) 6.6 How can you implement the policy document until these matters are sorted. Cost will impact upon recruitment which is already difficult. (ST)	Agreed. Comments noted.	Comments will be taken into account alongside the corresponding result of the survey. It is envisaged that Safeguarding training will be mandatory for new drivers and will also be arranged for existing drivers. The most effective method of delivery, taking into account cost and the ability to recruit drivers will be considerations.
Enforcement, compliance and range of powers			.
Enforcement	The two licensing officers should be out on our streets every day, not in the office answering phones and dealing with paperwork. (ST) Weak. At 4.25 include if driver has been subject to action elsewhere that it should be brought to the attention of	Comment noted. Officers duties were not a part of the consultation, but the policy has a section on compliance/enforcement. The Guidance relating to the relevance and treatment of convictions sets out	No action required The guidelines relating to the relevance and

	the licensing panel (DS)	the criteria that determine appearance before the licensing sub-committee. This includes non-declaration of matters. Paragraph 4.25 refers to the DBS which would not show actions taken by other authorities, but can be added to 4.12 in the driver section.	treatment of convictions will be appended to the policy. The policy will be amended to include actions by other authorities in the driver section.(4.12 of draft)
Fees, charges and refunds			
3 year licence for drivers	Keep fees reasonable, no more than £120. (NA)	Noted.	The fee imposed will be cost neutral for the provision of the service.
Other matters raised			
Electric and Hybrid eco vehicles	Cambridge and Peterborough are looking at introducing electric and hybrid eco vehicles for the taxi fleet. Don't get stuck in the past. (DJW) What provisions have the council allowed for electric cars and how will they be tested? (RV)	Comment noted. Will form part of a separate exercise.	The Council will look into this further.

Committee/PH & Taxis/ Policy/ Consultation responses/ Summary of written consultation responses

This page is intentionally left blank

Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: The Environmental Offences (Fixed Penalties) (England) Regulations 2017

Meeting/Date: Licensing and Protection Committee - Wednesday 20th June 2018

Executive Portfolio: Executive Councillor for Regulation and Operations - Councillor Jim White

Report by: Community Resilience Manager

Ward(s) affected: All

Executive Summary:

On 30th October 2017 new regulations were passed amending the current regulations relating to Fixed Penalty Notices for Environmental Offences such as littering, graffiti, fly posting and fly tipping.

The new regulations, the Environmental Offences (Fixed Penalties) (England) Regulations 2017 (the Regulations), came into force on 1st April 2018.

Fixed Penalty Notices ("FPNs") are a civil enforcement sanction and are used by Local Authorities and some other authorised persons including Police Community Support Officers and the Environment Agency as an alternative to prosecution for certain offences. FPNs usually specify a fixed fine but can offer a discounted fine if payment is made early; the Regulations refer to this as the "lesser penalty".

A consultation for the new regulations took place between April and June 2017. The consultation focused on fines not having been changed since 2006, fines not being consistent with other parts of the UK and fines not being consistent with similar types of offending, such as dog fouling. The new regulations make changes to the level of penalties setting a default, minimum, maximum and lesser penalty amount.

Recommendation(s):

- 1. That the Licencing and Protection Committee update the Council's Scheme of Delegation to adopt the powers contained within the Environmental Offences (Fixed Penalties) (England) Regulations 2017**
- 2. That the Licencing and Protection Committee agree that Fixed Penalty Notices will be issued at the 'maximum penalty amount' and that a lesser amount for early payment will not be offered, as defined within the Environmental Offences (Fixed Penalties) (England) Regulations 2017 or any future amendment to the Regulations involving fine levels.**

- 3. That the Licencing and Protection Committee delegate the responsibility for the creation and maintenance of policies and procedures regarding the Environmental Offences (Fixed Penalties) (England) Regulations 2017, to the Head of Community, in consultation with the Executive Councillor for Regulation and Operations.**
- 4. That the Licencing and Protection Committee authorised the Head of Community for the purposes for enforcement of the Environmental Offences (Fixed Penalties) (England) Regulations 2017, with the ability for the Head of Community to authorise such other Officers as considered appropriate. In the case of any legal action, any decision to be made in consultation with the Head of Legal Practice.**

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report seeks to obtain the approval of the Licencing and Protection Committee for delegated officers of Huntingdonshire District Council to be able to issue Fixed Penalty Notices at the maximum level and not to offer a lesser amount option for early payment.
- 1.2 The report also seeks approval for delegated authority to be given to the Head of Community to approve the setting of Fixed Penalty Notices at the maximum level and without an early payment option, should new regulations be introduced in the future.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

2.1 Local Authorities have the power to issue Fixed Penalty Notices (FPNs). Issuing an FPN, discharges the individuals' responsibility in relation to the offence and once paid, no further action can be taken. A number of Huntingdonshire District Council services have an enforcement arm, these include:

- Community Protection and Enforcement (Anti-social behaviour, Fly-tipping, Littering, Abandoned Vehicles, Dog Controls, Waste);
- Environmental Health;

2.2 Within these services, officers with delegated authority use FPNs where they feel an offence has been committed and issuing an FPN is proportionate or where other interventions have been tried but have not been successful.

2.3 For a number of years, Local Authorities have been able to issue FPNs but more recently, there has been more opportunities to utilise this power such as under the Anti-Social Behaviour, Crime and Policing Act 2014. Following a restructure of the Community Division at the end of 2016, the Community Protection and Enforcement Team was created. This team has responsibility of investigating reports of anti-social behaviour, fly-tipping, littering, abandoned vehicles, dog related issues and incorrect storage and disposal of waste. Over the last 12 months, this team has issued the following FPNs:

Offence	Number of FPNs issued 1 st April 2017 – 31 st March 2018
Anti-Social Behaviour	16
Fly-Tipping	0
Littering	11
Abandoned Vehicles	1
Dog Control	1
Waste	0

2.3.1 This has increased to 1,450% on the same period for the previous 12 months.

2.4 The issuing of FPNs is not considered as the first or last resort and in all cases, a clear and evidenced process is followed to ensure that the decision to issue is

proportionate and reasonable. More recently, the decision to issue FPNs is in line with the new Corporate Enforcement Policy that was approved by Full Council in February 2018.

- 2.5 There is a misconception that Local Authorities use fixed penalty notices as a method of generating income but there is insufficient evidence to suggest that this is the case. In Huntingdonshire, with 'Clean, Green and Safe' featuring as one of the priorities within the current Corporate Plan, the issuing of FPNs is being used to change the mind set of our communities to ensure that Huntingdonshire remains a safe place to live, work and visit.
- 2.6 Across the legislation available to the Local Authority for enforcement activity, fines are set at different levels. This paper aims to advise of the fine levels currently applied by Huntingdonshire District Council, the fine levels allowed under the Environmental Offences (Fixed Penalties) (England) Regulations 2017 and the fine levels that this report is requesting approval for.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The table below details the fine levels that this report requests permission to apply from 1st July 2018:

Offence	Current Penalty Amount	Maximum Penalty Amount
Littering	£75	£150
Dog Control Offences	£100	£100
Fly-posting	£75	£150
Graffiti	£75	£150
Unauthorised distribution of free literature on designated land	£75	£150
Alarm noise: failure to nominate key-holder or to notify local authority of key-holder's details	£75	£80
Nuisance Parking	£100	£100
Abandoning a Vehicle	£200	£200
Fly-tipping	£0	£400
Failure to produce a waste transfer note	£300	£300
Domestic waste receptacle offences	£80	£80
Industrial and commercial waste receptacle offences	£80	£110
Noise exceeding permitted levels – domestic premises	??	£110
Noise exceeding permitted levels – Licensed premises	??	£500

- 3.1.1 The request is that officers be given permission to issue Fixed Penalty Notices at the maximum level available under the regulations and that an early payment of a lesser amount will not be offered on any of the offences. All other current fine levels will remain unchanged.

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

- 4.1 There is a risk that by setting the fine level at the maximum amount and not offering an early payment option of a lesser amount, offenders will suggest that due to affordability, they are unable to make payment. A non-payment of the fine would result in prosecution which in turn would have a cost to the Council and an increased demand on the Council's Legal services.
- 4.2 As previously detailed at point above, the issuing of FPNs has increased in the last 12 months. This increase has not led to a reduction in the percentage of fixed penalties being paid within the specified times.
- 4.3 The risk will be addressed by ensuring that the decision to issue a Fixed Penalty Notice in each case, will be proportionate and the existing procedure adhered to in all cases.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 Information relating to current fine levels is widely available to the public on the Huntingdonshire District Council web site as well as the internet in general. It is presumed that residents' are aware of current legislation and the potential consequences should they choose to break the law.
- 5.2 Should the increase of specific fine levels be approved, a media campaign will be carried out utilising local newspapers, social media as well as an update to the Huntingdonshire District Council web pages.
- 5.3 As the amendments have been available since 1st April 2018, some residents may already be aware of the potential increases. The proposal is that any new fine levels will be implemented from 1st July 2018 to allow time for the media campaign to be implemented.

6. LINK TO THE CORPORATE PLAN

- 6.1 One of the strategic priorities and objectives of the Corporate Plan 2018 – 19 is Enabling Communities. The aim of the Enabling Communities strand of the Plan is to make Huntingdonshire a better place to live, to improve health and well-being and for communities to get involved with local decision making. Part of the work programme includes:
- Create, protect and enhance our safe and clean built and green environment; and
 - Develop stronger and more resilient communities to enable people to help themselves
- 6.2 In February 2018, Huntingdonshire District Council approved a Corporate Enforcement Policy. This policy enables Council Officers to apply the policy and matrix toolkit to ensure suspected breaches are investigated and resolved in a prioritised and proportionate manner. The issuing of Fixed Penalty Notices

features as part of the delivery of this policy and in turn, will help the Council meet their strategic priorities and objectives as detailed within their Corporate Plan.

7. CONSULTATION

- 7.1 A country-wide consultation for the new regulations took place between April and June 2017. The consultation focused on fines not having been changed since 2006, fines not being consistent with other parts of the UK, and fines not being consistent with similar types of offending, such as dog fouling.

8. RESOURCE IMPLICATIONS

- 8.1 It is considered that there will be minimal resource implications because delegated officers of the District Council already issue Fixed Penalty Notices. The only implications relate to the media campaign and the need to produce amended Fixed Penalty Notices to reflect the alterations to fine levels.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Local Authorities have the ability to issue Fixed Penalty Notices in relation to a number of environmental offences. This is a power that delegated officers of Huntingdonshire District Council already utilise but in some cases, the fine level has not increased since 2006.
- 10.2 Huntingdonshire District Council recognises the impact that environmental crime has on our communities and has already demonstrated that this type of behaviour will not be tolerated and in all cases, appropriate action will be taken.
- 10.3 The intention is that by increasing the fine levels and not specifying different amounts, the fine levels will be easier for our communities to understand and also encourage them to think about the potential consequences before committing an offence.

BACKGROUND PAPERS

- **The Environmental Offences (Fixed Penalties) (England) Regulations 2017**
<http://www.legislation.gov.uk/ukSI/2017/1050/made>

CONTACT OFFICER

Claudia Deeth, Community Resilience Manager
claudia.deeth@huntingdonshire.gov.uk
01480 388233

Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

Meeting/Date: Licensing and Protection Committee - Wednesday 20th June 2018

Executive Portfolio: Executive Councillor for Operations and Regulation - Councillor Jim White

Report by: Community Resilience Manager.

Ward(s) affected: All

Executive Summary:

The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 introduces the new fixed penalties for littering from vehicles from powers conferred by inserting section 88A of the Environmental Protection Act 1990, which came into force on 1st April 2018. The new power is conferred on litter authorities in England (outside London) to require the registered keeper of a vehicle to pay a fixed penalty notice if there is reason to believe that a littering offence from a vehicle has been committed.

Huntingdonshire District Council as a Local Authority has a duty to keep land in its authority, including the highway and roads clean, so far as practicable, under section 89(1) of the Environmental Protection Act 1990. Historically, identified officers have been given delegated authority to issue Fixed Penalty Notices under the Act of £75 following a report of an incident of littering. The same process was applied when an offence of littering from a vehicle was witnessed.

In summary, Huntingdonshire District Council has been issuing Fixed Penalty Notices in relation to littering from a vehicle for the last 5 years. This report requests permission for identified officers to be delegated the new power contained under 88A of the Environmental Protection Act 1990, enabling them to issue Fixed Penalty Notices of £150 to the registered keeper of a vehicle believed to be involved in a littering from a vehicle offence.

Recommendation(s):

1. That the Licensing & Protection Committee update the Council's Scheme of Delegation to adopt the powers contained within The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

- 2. That the Licensing & Protection Committee agree that Fixed Penalty Notices will be issued at the 'maximum penalty amount' and that a lesser amount for early payment will not be offered, as defined within The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 or any future amendment to the Regulations involving fine levels.**
- 3. That the Licensing & Protection Committee delegate the responsibility for the creation and maintenance of policies and procedures regarding The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, to the Head of Community, in consultation with the Executive Councillor for Regulation and Operations.**
- 4. That the Licensing & Protection Committee authorised the Head of Community for the purposes for enforcement of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, with the ability for the Head of Community to authorise such other Officers as considered appropriate. In the case of any legal action, any decision to be made in consultation with the Head of Legal Practice.**
- 5. That the Licensing & Protection Committee authorise the Head of Community to determine representations against the penalty notice as defined within Part 4 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 or any future amendments to the Regulations**

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 London borough councils are currently able to issue a penalty charge notice to the keeper of a vehicle from which litter is thrown, even if they cannot establish the identity of the person who threw the litter. Section 154 of the Anti-social Behaviour, Crime and Policing Act 2014 enables the Government to make regulations which would extend similar powers to other local authorities. Introducing these regulations will improve the suite of enforcement powers available to councils to tackle littering offences.
- 1.2 On 1st April 2018, the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 came into force and amends section 88 of the Environmental Protection Act 1990 by inserting a new section 88A, granting powers to litter authorities to issue Fixed Penalty Notices (FPNs) for littering from vehicles. These Regulations introduce powers to issue a Fixed Penalty Notice to the owner of a vehicle when an delegated officer of the District Council believes that litter was thrown from that vehicle onto land owned by or the responsibility of Huntingdonshire District Council.
- 1.3 Since 2013, delegated officers of the Council have been investigating reports that litter has been thrown from a vehicle. In the first instance, a letter detailing the alleged offence is sent to the registered keeper. Only if they admit to the offence an FPN is issued, if they deny the offence, no further action is taken.
- 1.4 As a result of new legislation, this being 88A of the Environmental Protection Act 1990, Local Authorities have been granted a power that enables them to issue FPNs specifically for the offence of littering from a vehicle.
- 1.5 The purpose of this report is to obtain the Committee's permission to utilise this power and for the fine level to be set at the maximum amount of £150 with no lesser amount for early payment offered.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Between 1st April 2017 and 31st March 2018, the Street Cleansing Teams based within the Operations Division removed 55.6 tonnes of discarded litter from the roads and highways that fall within the responsibility of Huntingdonshire District Council.
- 2.2 Section 24 of the London Local Authorities Act 2007 (amended in 2012) confers powers to councils in London to issue a penalty charge notice on the owner of a vehicle from which litter is thrown. A penalty charge notice is a civil fine which unlike a criminal penalty does not carry the risk of a criminal prosecution. However, these powers have not previously been available in respect of the rest of England.
- 2.3 Section 88A of the Environmental Protection Act 1990 empowers the Secretary of State to confer similar powers on authorities in England. The Littering From

Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 is the first exercise of that power.

- 2.4 The amount of a Fixed Penalty Notice is the amount specified by the litter authority, this being Huntingdonshire District Council, under section 88(6A)(a) of the EPA 1990 (which relates to Fixed Penalty Notices for leaving litter).
- 2.6 The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 confers powers on litter authorities (defined in Regulation) to issue civil penalty notices to the keeper of a vehicle when the council has reason to believe, to the civil standard of proof, that litter was thrown from that vehicle on the authority's land. To avoid a double jeopardy effect, this Act also provides that a council may not issue a civil penalty notice against the keeper if a fixed penalty notice (in lieu of prosecution) is or has been issued in respect of the same littering offence.
- 2.7 Public service vehicles, hackney carriages and private hire vehicles are exempt from liability for a civil penalty notice if the offence is committed by a passenger. The Regulations also provide for businesses engaged in the hiring of vehicles to appeal a civil penalty notice in connection with one of their vehicles by providing evidence that the vehicle was not being kept by the business at the time of the offence by virtue of the relevant vehicle hire agreement.
- 2.8 A Fixed Penalty Notice can be challenged by the person who it has been issued to up to 28 days after the date of issue. On receipt of the representation, the District Council must decide whether or not the grounds of the challenge are upheld. It is proposed that the Head of Community will have delegated authority to determine whether or not one of the regulations applies and notify the applicant of the outcome.
- 2.9 If the Fixed Penalty Notice is not been paid within the payment period, the fixed penalty increases by 100% with effect from the day after the last day of the fixed penalty payment period. The Council may recover any unpaid amount of the fixed penalty (being the increased amount referred to earlier) and any related costs awarded by an adjudicator as a civil debt or as if payable under a county court order.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The fine levels relate to the report considered by the Committee on The Environmental Offences (Fixed Penalties) (England) Regulations 2017 that fines be set at the maximum amount available. The maximum amount in the Act is £150, For a number of years, the Council have been issuing Fixed Penalty Notices at a fine level of £75 for a littering offence. An established procedure is in place for the issuing of FPNs, including the offender having the opportunity to challenge the penalty that they have been issued.

- 3.2 The following table details the number of FPNs issued for littering in the last 12 months compared to the number paid within the specified timescales:

Quarter	No. of FPNs Issued for Littering	No. of FPNs Paid
Quarter 1 (April – June)	3	3
Quarter 2 (July – September)	3	3
Quarter 3 (October – December)	3	3
Quarter 4 (January – March)	2	1

- 3.3 The above suggests that where an FPN has been issued, the offender is more likely to pay the penalty than not. This also increases the likelihood of the person responsible taking the situation seriously and reduces the likelihood of them being a repeat offender.
- 3.3.1 Huntingdonshire District Council takes the offence of littering very seriously and it is one of the issues that is of most concern to our communities. By setting the fine level at the maximum amount and by not offering an early payment option, it is the intention that residents will be discouraged from littering.

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

- 4.1 There is a risk that by setting the fine level at the maximum amount and not offering an early payment option of a lesser amount, offenders will suggest that due to affordability, they are unable to make payment. A non-payment of the fine could result in it being doubled and the amount and associated costs being recovered as a civil debt or by way of a County Court Order, which in turn would have a cost and resource impact to the Council as well as an increased demand on the Council's Legal services.
- 4.2 The risk will be addressed by ensuring that the decision to issue a Fixed Penalty Notice in each case will be proportionate and beyond reasonable doubt that an offence has been committed.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 Information relating to current fine levels is widely available to the public on the Huntingdonshire District Council web site as well as the internet in general. It is presumed that residents' are aware of current legislation and the potential consequences should they choose to break the law.
- 5.2 Should the fine level be approved, a media campaign will be carried out utilising local newspapers, social media as well as an update to the Huntingdonshire District Council web pages.

- 5.3 As the power has been available since 1st April 2018, some residents may already be aware of the potential increase to the fine level. The proposal is that the new fine level will be implemented from 1st August 2018 to allow time for the media campaign to be implemented.

6. LINK TO THE CORPORATE PLAN

- 6.1 One of the strategic priorities and objectives of the Corporate Plan 2018 – 19 is Enabling Communities. The aim of the Enabling Communities strand of the Plan is to make Huntingdonshire a better place to live, to improve health and well-being and for communities to get involved with local decision making. Part of the work programme includes:

- Create, protect and enhance our safe and clean built and green environment; and
- Develop stronger and more resilient communities to enable people to help themselves

- 6.2 In February 2018, Huntingdonshire District Council approved a Corporate Enforcement Policy. This policy enables Council Officers to apply the policy and matrix toolkit to ensure suspected breaches are investigated and resolved in a prioritised and proportionate manner. The issuing of Fixed Penalty Notices features as part of the delivery of this policy and in turn, will help the Council meet their strategic priorities and objectives as detailed within their Corporate Plan.

7. CONSULTATION

- 7.1 The Department for Environment Food and Rural Affairs (DEFRA) ran a consultation between April – June 2017 in relation to the implementation of the littering from a vehicle offence. All Local Authority areas as well as a number of other bodies across England had the opportunity to comment on the proposed legislation.

- 7.2 It is evident that by the legislation becoming statute, that this is a provision that is widely supported across the country.

8. RESOURCE IMPLICATIONS

- 8.1 It is considered that there will be minimal resource implications because delegated officers' of the District Council already issue Fixed Penalty Notices. The only implications relate to the media campaign and the need to produce amended Fixed Penalty Notices to reflect the alterations to fine level.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Local Authorities have the ability to issue Fixed Penalty Notices in relation to a number of environmental offences. This is a power that delegated officers' of

Huntingdonshire District Council already utilise in relation to a number of different offences.

- 10.2 Littering and associated environmental offences like dog fouling blight our communities and impose avoidable costs on the public purse, meaning that the money is not being spent on the services that genuinely need it. Huntingdonshire District Council recognises the impact that environmental crime has on our communities and has already demonstrated that this type of behaviour will not be tolerated and in all cases, appropriate action will be taken.
- 10.3 The intention is that by adopting the new power and setting the fine level at the maximum amount and not offering an early payment option will encourage our communities to think seriously before littering from a vehicle. In turn, this could reduce the amount of litter on roads and land across the District and allow the Operations Division to target their resources at other more important issues.

BACKGROUND PAPERS

- **The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018**

CONTACT OFFICER

Claudia Deeth, Community Resilience Manager

claudia.deeth@huntingdonshire.gov.uk

01480 388233

This page is intentionally left blank

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Representation on External Organisations

Meeting/Date: Licensing and Protection Committee – 20 June 2018

Executive Portfolio: Executive Councillor for Operations and Regulation
Councillor Jim White

Report by: Elections and Democratic Services Manager

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

Organisation	Proposed Representative(s) for 2018/19	Representative(s) for 2017/18	Approx Number of Meetings Per Annum	Allowance Payable S - Subsistence T - Travelling	Term of Appointment
Cambridgeshire Consultative Group for the Fletton Brickworks Industry	Councillor E R Butler	Councillor E R Butler	2	S & T	4 years
Little Barford Power Station Liaison Committee	Councillor B Banks	Councillor J E Corley	1	S & T	4 years
Needingworth Quarry Local Liaison Committee	Councillor L Besley and J Neish	Councillors R Carter and M Francis	2	S & T	4 years
Warboys Landfill Local Liaison Committee	Councillor J Tavener	Councillor PLE Bucknell	1	S & T	4 years

Given that the Council has now moved to District Council Elections every four years, it is proposed that representatives on external organisations are also appointed on this basis.

The Committee is

RECOMMENDED

to make nominations to those organisations as outlined above for the period 21st June 2018 to 4th May 2022.

CONTACT OFFICER

Mrs C Bulman, Democratic Services Officer
Tel No: 01480 388234
Email: Claire.Bulman@huntingdonshire.gov.uk

Agenda Item 9

Public
Key Decision – No

Subject Matter: LICENSING AND PROTECTION SUB-COMMITTEE
Meeting/Date: Licensing and Protection Committee – 20th June 2018
Executive Portfolio: Executive Councillor for Operations & Regulation
Councillor Jim White
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
14 March 2018	S Criswell	New Application for a Hackney Carriage and Private Hire Licence / Fitness to continue to hold a Private Hire Operators Licence.	Granted. No further action.
		New Application for a Hackney Carriage and Private Hire Licence.	Granted.
		Current Hackney Carriage and Private Hire Drivers Licence.	Suspended.
		New Application for a Hackney Carriage and Private Hire Licence.	Refused.
		Renewal Application for a Hackney Carriage and Private Hire Licence.	Refused.
		21 March 2018	S J Criswell
New Application for a Hackney Carriage and Private Hire Licence.	Granted.		
Current Hackney Carriage and Private Hire Drivers Licence.	No further action		
Current Hackney Carriage and Private Hire Drivers Licence	Suspended.		
4 April 2018	S J Criswell	New Application for a Hackney Carriage and	Granted

		Private Hire Licence Current Hackney Carriage and Private Hire Licence.	Suspended
		Renewal Application for a Hackney Carriage and Private Hire Licence.	Refused.
		New Application for a Hackney Carriage and Private Hire Licence.	Granted.
25 April 2018	J W Davies	New Application for a Hackney Carriage and Private Hire Licence.	Granted.
		New Application for a Hackney Carriage and Private Hire Licence	Granted.
		New Application for a Hackney Carriage and Private Hire Licence.	Granted.
		New Application for a Hackney Carriage and Private Hire Licence.	Deferred.

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.