

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, 19 JUNE 2019** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 5 - 12)

To approve as a correct record the Minutes of the Licensing and Protection Committee held on 13th March and 15th May 2019.

2. MEMBERS INTERESTS

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

3. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY PLANS (Pages 13 - 22)

To consider the monitoring report on the delivery of the Food Law Enforcement and Health and Safety Service Plans for the period 1st April to 31st May 2019.

4. LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION TO LICENSING AND PROTECTION SUB COMMITTEE (Pages 23 - 30)

To consider a report by the Head of Community proposing amendments to the Scheme of Delegation for taxi licensing matters.

**C Stopford
388280**

5. LICENSING AND PROTECTION SUB COMMITTEE (Pages 31 - 32)

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**

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

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

**S Foster
387075**

Dated this 11 day of June 2019



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

- (1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*
- (2) *A Member has a disclosable pecuniary interest if it -*
 - (a) *relates to you, or*
 - (b) *is an interest of -*
 - (i) *your spouse or civil partner; or*
 - (ii) *a person with whom you are living as husband and wife; or*
 - (iii) *a person with whom you are living as if you were civil partners*

and you are aware that the other person has the interest.
- (3) *Disclosable pecuniary interests includes -*
 - (a) *any employment or profession carried out for profit or gain;*
 - (b) *any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);*
 - (c) *any current contracts with the Council;*
 - (d) *any beneficial interest in land/property within the Council's area;*
 - (e) *any licence for a month or longer to occupy land in the Council's area;*
 - (f) *any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or*
 - (g) *a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.*

Non-Statutory Disclosable Interests

- (4) *If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.*
- (5) *A Member has a non-statutory disclosable interest where -*
 - (a) *a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or*
 - (b) *it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or*
 - (c) *it relates to or is likely to affect any body –*
 - (i) *exercising functions of a public nature; or*
 - (ii) *directed to charitable purposes; or*
 - (iii) *one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.*

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Mrs Claire Bulman, Democratic Services, Tel: 01480 388234 / email: Claire.Bulman@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

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

Emergency Procedure

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

This page is intentionally left blank

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, 13 March 2019.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, Mrs M L Beuttell, J R Clarke, S J Corney, Mrs A Dickinson, Mrs S A Giles, L W McGuire, D J Mead and Mrs P E Shrapnel.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Ms A Diaz and Mrs P A Jordan.

22. MINUTES

Subject to the inclusion of Councillor J Clarke in the list of attendees, the Minutes of the meeting held on 17th October 2018 were approved as a correct record and signed by the Chairman.

23. MEMBERS INTERESTS

No declarations were received.

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

With the assistance of a report by the Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee received an update on progress against the delivery of work in the Council's Food Law Enforcement and Health and Safety Service Plans during the period 1st April 2018 to 31st January 2019.

With regards to the Food Law Enforcement Service Plan, the Committee's attention was drawn to the detailed information set out in Appendices 1 and 2 of the report – the programmed and reactive activity.

In terms of programmed activity (Appendix 1), the Committee noted that inspections of premises within the risk based programme were behind schedule as a consequence of vacancies within the business team during the course of the year. However a plan to address this before the end of March 2019 had now been put in place. The Committee were also informed that inspections of new food businesses had also been higher than expected owing to an increase in the number of new business registrations – an area which continued to be unpredictable.

The Committee were advised that the number of proactive visits had been higher than expected during the course of the year and

Members were advised that this was a consequence of an increase in complaints and service requests over the summer period which had now reduced. An update on completed and pending prosecutions was also provided.

With regards to food safety and public health promotion, Members were pleased to note that food hygiene training courses continued to be delivered with a very high success rate. A newsletter on acrylamide had been published and circulated and the Business Support Team is continuing to the enhanced registration of businesses work stream run by the Food Standards Agency.

In terms of unplanned reactive work undertaken by the Service (Appendix 2), Members noted that progress against predicted activity was on target in all areas. There had been one food alert for action from the Food Safety Agency during by period regarding the sale of sprouting seeds for human consumption.

The Committee were advised that the Food Standards Agency were continuing to refine their Regulation our Futures programme to modernise the way in which food businesses are regulated and were developing a training programme on imported food controls in preparation for the UK leaving the EU. Members were also pleased to note that the Better Business for All programme had developed with local authorities in the area and work had commenced to develop and draw up a web-based regulatory advice brochure.

The Committee went on to discuss the Food Hygiene Rating Scheme and it was reported that the Government had not yet passed the necessary legislation to require it to be mandatory for local food businesses to display their ratings. Members were also informed of the action which could be taken by the Authority in the event of a local business receiving a low score.

Turning to progress which had been made against the delivery of the Health and Plan, the Committee noted the significant rise in the number of Accident and dangerous occurrence investigations compared to the numbers of those predicted. Having discussed the possible causes of this, it was agreed that further information should be included within the next monitoring report.

The Committee were informed that the Coroner's Inquest into the death at Hammerton Zoo had been scheduled for July 2019 which required ongoing commitment from officers. The details of recent issues which had been identified as "Matters of Evident Concern" were also provided to Committee Members.

Whereupon and having concluded their discussion on this item, it was

RESOLVED

that progress on the delivery of the Service Plans for the period 1st April 2018 to 31st January 2019 be noted.

25. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2019-20

Consideration was given to a report by the Head of Community (a

copy of which is appended in the Minute Book) to which was attached a proposed Service Plan for Food Law Enforcement in 2019-20.

The Committee were reminded that the Food Standards Agency (FSA) requires every local authority to outline how it will fulfil its duty to deliver food controls within the District. The resulting Service Plan sets out how the food safety and hygiene enforcement function within the Authority will be delivered over the coming year.

Attention was then drawn to the aims and objectives of the Plan, the resourcing requirement, the targets for programmed and unplanned activity, together with the proposed development plan for 2019-20.

With regards to the resources required for the delivery of the Plan, Members were advised that there had been a change in the redistribution of posts to provide a greater degree of flexibility. Income was expected to be obtained through the issue of health and export certificates and the delivery of training courses. Members were informed that targets for programmed activity had been set at a level greater than those which had been achieved in the current year.

The Committee discussed the resourcing requirements within the Plan, particularly in light of the increases in new food businesses with the District and the other increasing commitments being placed upon the Council's Commercial Team. In response to which, the Head of Community reiterated that he was confident that the Service would be able to deliver the proposed programme with current staffing resources. Members were advised that the back office software was currently being replaced to enable officers to work more productively in the field. A focus was also being placed on income generation which if successful may provide for further resources.

Whereupon, it was

RESOLVED

- (a) that the Service Plan for Food Law Enforcement 2019-20 be approved in accordance with the Council's Constitution; and
- (b) that the Health of Community be authorised to update the 2018/19 performance data within the Service Plan prior to publication.

26. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2019-20

Consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached the proposed Service Plan for Health and Safety Regulation 2019-2020.

The Committee were advised 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 resultant Service Plan for 2019-20 had been drawn up in accordance with the National Local Authority Enforcement Code and Local Authority Circular LAC 67/2

(revision 8).

Attention was then drawn to the aims and objectives of the Plan, service delivery proposals, resourcing requirements, the targets for health and safety activity and the proposed development plan for 2019-20. Members noted that the District Council currently had 2,271 premises on its premises database for which it was responsible. For the purposes of the Plan, these had been broken down into their HSE classification and a Member suggested that it would be useful to see the figures for previous years to provide a better understanding of the changing nature of the District.

In reviewing the proposed Plan, Members commented on the estimated reduction in the number of accident and dangerous occurrence investigations in the forthcoming year and were advised as to how this was proposed to be achieved. Clarification was also sought on the roles of the Health and Safety Executive and the Local Authority and the Committee were advised that the responsibilities were set out in detail in the Health and Safety (Enforcing Authorities) Regulations 1998.

The Committee went on to discuss the proactive role of the District Council's Safety Advisory Group in ensuring that health and safety advice is disseminated to event organisers and inspecting large scale public gatherings. However, the Committee noted that this was not a mechanism adopted and utilised by all local authorities. In response to a specific enquiry regarding an event organised the Royal British Legion and the potential to access the expertise of the Safety Advisory Group, the Head of Community intimated that he would be happy to take their details outside of the meeting.

The Committee then discussed the number of cases in which formal enforcement action had been undertaken, specifically the use of Improvement and Prohibition notices.

In terms of the selection of future incidents and complaints for investigation, the Committee were advised that the HSE's risk based approach to complaint handling and incident selection would be adopted. Having noted that it was a mandatory requirement to report all work based accidents, Officers confirmed that this approach would have been kept under review. However to address the reservations of a member, it was suggested that some examples of those incidents not investigated and not investigated could be provided in future monitoring reports.

Whereupon, it was

RESOLVED

- (a) that the Service Plan for Health and Safety Regulation 2019-20 be approved in accordance with the Council's Constitution.
- (b) that the Head of Community be authorised to update the 2018/19 performance data within the Service Plan prior to publication.

27. LICENSING AND PROTECTION SUB COMMITTEES

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 4 meetings of the Licensing and Protection Sub-Committee which had taken place between 9th November 2018 and 6th March 2019.

Following a request by a Member of a Committee it was agreed that details of the outcome of any appeals against the decisions of the Sub-Committee should be included within future reports.

28. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERES

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.

In response to a question by a Member, further information as to the circumstances surrounding the suspension of five vehicle licences on the same day was provided to the Committee. Having noted that all cases had now been resolved, the Head of Community reiterated that the District Council would not accept a poor quality taxi trade and this message would be communicated to drivers and Operators within the District.

29. ANNUAL LICENSING TRAINING

Members noted that the annual training for Committee Members would be held on Wednesday 5th June 2019 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

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, 15 May 2019.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, Mrs M L Beuttell, J R Clarke, Ms A Diaz, Mrs A Dickinson, Mrs S A Giles, L W McGuire, D J Mead, Mrs P E Shrapnel and R J West.

APOLOGY: An Apology for absence from the meeting was submitted on behalf of Councillor Mrs P A Jordan.

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 R 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 5 June 2019 at 9.30am in the Civic Suite, Pathfinder House. All Members were required to attend.

Chairman

This page is intentionally left blank

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans

Meeting/Date: Licensing and Protection Committee – 19 June 2019

Executive Portfolio: Executive Councillor for Operations and Regulation - Cllr Mrs M L Beuttell

Report by: Operational Manager (Business) – Susan Walford

Ward(s) affected: All

Executive Summary:

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2019-20 were approved by committee on 13 March 2019.

This monitoring report covers the period from 1 April 2019 to 31 May 2019. Two months into the implementation of these plans. In general terms the monitoring report accounts for work undertaken by the Business Team within the defined period and compares this to the service plan to ensure that the service is on target to deliver the programmed work.

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

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

Recommendation(s):

Members are requested to:-

- 1. Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 April to 31 May 2019.**

1. PURPOSE OF THE REPORT

- 1.1. The report provides information about the delivery of the two Service Plans for the period between 1 April 2019 and 31 May 2019.

2. WHY IS THE REPORT NECESSARY?

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

3. A DESCRIPTION OF THE SERVICES COVERED BY THE REPORT

- 3.1 Food Law Enforcement consists of the following areas of work:

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

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

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

4. PROGRESS AGAINST THE APPROVED PLANS

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

- 4.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan. All activities are rated as green. Programmed inspections of premises within the risk band A to D are lower than the average monthly rate expected however there have been a number of public holidays within this two month period reducing the working time available.

- 4.3 The current focus of the team is to reduce the number of outstanding category C and D premises requiring an intervention as well as those which remain unrated. An outstanding prosecution against a food business was resolved during this period with the food business operator pleading guilty to preparing food in an area which lacked adequate natural or artificial lighting. The FBO was fined a total of £1107 for immediate payment.

- 4.4 Appendix 2 refers to the unplanned (reactive) work undertaken by the service. The number of customer complaints and service requests is driven by demand, so they are closely monitored and prioritised according to risk using publicly available selection criteria. Any intelligence emerging around trends can be used to inform proactive work through education or enforcement action. There continues to be a number of reports concerning suspected food poisoning where the affected individual has not consulted the GP for a diagnosis. Such reports are generally used for intelligence gathering. Ten candidates sat the food hygiene certificate exam following the course in May, for which there was a 100% pass rate.

- 4.5 Work is progressing on the Primary Authority pilot with signpost-2-grow and neighbouring authorities to link business with a regulator who is able to delivery primary authority services. A business launch is planned for July when we will promote our service alongside partners.
- 4.6 The Better Business for All partnership held a staff launch event in May. This aimed to promote the programme, part of the Government's national agenda to use positive regulation and business support services to boost business growth. Partners include the District Council regulators, the Growth Hub, trading standards and fire services from the County Council. Together we are looking to deliver against 3 work streams
- Listening to businesses and adapting our regulatory approach accordingly
 - Making our advice services more accessible and easier to navigate for businesses
 - Offering a more holistic business support service through signposting to other business support partners
- The launch looked to bring everyone up to speed with the services each deliver so that whenever and wherever we speak to business, officers are confident to refer them on for complimentary support and compliance advice. Feedback from the event showed that attendees felt they had learnt more about others services in particular the Growth Hub, economic development, Chamber of Commerce and the Business and IP Centres. It also indicated the desire for future joint working, potentially heralding the start of closer integrated service provision in the future.
- 4.7 The Food Standards Agency Register a Food Business service is ready to roll out to local authorities. In addition to being a legal requirement, registration is the foundation of data that is used by everyone delivering official food controls. Information needs to be captured in an accurate and consistent way and the online process captures enhanced data from food business operators, improving the consistency, efficiency and effectiveness of registration. Over the next few months we will be making a decision about when and how we will adopt this system and integrate it into our current process.
- 4.8 The Food Standards Agency is also progressing work on National Inspection Strategies and has produced draft standards to inform the development with primary authorities and partner food businesses. This will mean greater consistency for businesses such as multi-site retailers as all local authorities will need to consider the inspection strategy when undertaking official controls. Further work in the Regulating our Futures programme includes the ongoing review into a new delivery model for food standards for which consultation events were held earlier in the year. Feedback was positive and the FSA are now considering the options to be carried forward.
- 4.9 The Health and Safety Service Plan also contains a mixture of programmed work, reactive work and the provision of compliance information and advice. In line with the national agenda the number of proactive inspections carried out is down. The focus is on working with business to simplify the approach to Health & Safety whilst maintaining control of the risks. We have submitted a bid to the Health & Safety Executive to hold an event for business, explaining what they need to do to be compliant and how this can be achieved by an in-house safety culture.
- 4.10 Accidents reported and investigated within the area over the last two months include two separate reports of a bone fracture sustained in a collision at a workplace, a bone fracture sustained in a fall from height and a serious scalding injury in a kitchen.

5. RISKS

- 5.1. The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency and the Health and Safety Executive in their capacities as the national regulators.
- 5.2. Members have asked to be kept informed about the delivery of the approved Service Plans in order that they can comment on the way in which the service is provided as well as the available resources.

6. LINK TO THE CORPORATE PLAN

- 6.1. These reporting arrangements support the wider corporate objectives to
 - Create , protect and enhance our safe built environment
 - Support people to improve their health and wellbeing
 - Accelerate business growth and remove barriers to growth

7. LEGAL IMPLICATIONS

- 7.1 None

8. RESOURCE IMPLICATIONS

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

9. OTHER IMPLICATIONS

- 9.1. None.

10. REASONS FOR THE RECOMMENDATION

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

11. APPENDICES

Appendix 1 - Food Safety Service Plan: Programmed (proactive) Activity
Appendix 2 - Food Safety Service Plan: Reactive Activity
Appendix 3 - Health and Safety Activity

CONTACT OFFICERS

Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002

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

Proactive Tasks	Level of Activity		Progress
	Predicted activity 2019-20	Recorded activity 1 April 2019 – 30 May 2019	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	373	36	G
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	106	12	G
Revisits	50	0	G
Inspections of or visits to new food businesses ¹	130	13	G
Visits to Approved Establishments	10	1	G
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training ²	20	0	G
Other proactive visits (food, water and environmental samples/advisory)	150	13	G
Prosecutions and cautions	2	1	G
Formal action (service of notices, closures)	10	0	G
Food safety and public health promotion	Press statement has been released following the successful food hygiene prosecution. Work is progressing with a business launch planned for the PA-pilot in July.		

Notes

1. *New businesses continue to be unpredictable – the definition includes both brand new start-up businesses as well as those that are changes of ownership or food business operator within an existing business. All have to be added to the premises database and visited as soon as possible. New businesses are triaged to ensure that the brand new higher risk start-ups receive support and visits to clarify any queries they have around the requirements for compliance.*
2. *Whilst we currently do not have a Primary Authority Agreement activity is recorded with the Primary Authority Pilot in collaboration with local regulatory partners and the Growth Hub. Where time is spent with a business under PA this is recharged to the business in line with the agreed cost recovery arrangements.*

Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2019-20	Recorded activity 1 April 2019 – 31 May 2019	RAG Status
Complaints and service requests about food and about/from food businesses	550	114	G
Food, water and environmental samples taken	25	0	G
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	8	G
FSA food alerts for action	2	1	G

Notes

The FSA Food alert was in regard to imported food colouring from India which contained high levels of mercury. The product was removed from the market.

This page is intentionally left blank

Appendix 3 – Health and Safety Activity

Type of Activity	Level of Activity		Progress Status (Green, Amber, Red)
	Predicted Activity 2019/20	Recorded Activity 1 April – 31 May 2019	
Premises inspections and interventions (including revisits)	10	1	G
Health and safety complaints and requests for service received ¹	75	3	G
Accident and dangerous occurrence investigations commenced ²	30	6	G
Matters of Evident Concern (MEC) Identified ⁴	30	0	G
Health and safety promotion and advice to business/enquiries			G
Liaison with other organisations	Liaison with the Chamber of Commerce and the C&P Business and IP Centre. Discussion with and bid made to HSE about H&S simplification event for business.		G

Notes

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

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Licensing & Protection Committee – Scheme of Delegation to Licensing & Protection Sub-Committee
Meeting/Date:	Licensing & Protection Committee – 19 June 2019
Executive Portfolio:	Executive Councillor for Operations and Regulation – Cllr Mrs M L Beuttell
Report by:	Head of Community - Chris Stopford
Ward(s) affected:	All

Executive Summary:

In July 2016, The Licensing & Protection Committee approved a new scheme of delegations (Appendix A) giving powers of suspension, refusal and revocation of taxi licensing to the Head of Service in consultation with the chairman and vice chairman.

Following a lean review in 2018, the service looked at streamlining application procedures for the benefit of both customer and back office. As part of this review a recommendation is put forward to implement a lean process in the decision making for taxi licensing applications.

Clearer policy and conditions introduced in January 2019 offer an opportunity to reconsider the current scheme of delegations in relation to taxi matters where decisions may be taken in line with policy and conditions to promote the Councils Corporate Plan of 'becoming a more efficient and effective Council and supporting the Licensing service lean review undertaken in 2018.

Recommendation(s):

The Licensing & Protection Committee is

RECOMMENDED to

- i) Approve an amended scheme of delegation (Appendix B) from Licensing & Protection Committee to officers.**
- ii) That the Head of Community be authorised to delegate decisions to the Operations Manager and Licensing Manager where appropriate to expedite efficient decision making.**

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing & Protection Committee (the Committee) and the Licensing & Protection Sub-Committee (the Sub Committee). This report is to consider the efficiencies and benefits of implementing the corporate lean approach in the decision making process related to taxi licence applications.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council Constitution includes the responsibility for functions relating to hackney carriage and private hire matters as a scheme of delegations. The current position is set out in Appendix A.
- 2.2 The scheme of delegations being recommended for approval at Appendix B, allows for the efficient and effective execution of the Council's functions of licensing and registration matters, such that decisions which are currently referred to the Sub Committee of Members can be delegated to officers where legislation permits.
- 2.3 The Licensing team undertook a "lean review" in July 2018 to maximise efficiency in the taxi licensing processes, with a particular emphasis on the customer journey in respect of the application and decision process
- 2.4 The lean review looked at a range of actions including the processes between submission of an application and communication of a decision upon applications. Where a Committee decision is required this can take up to 3 months.
- 2.5 In addition to applying the lean approach to the hearing process between application and decision, the new scheme of delegations would present efficiency benefits for officers and members spent administering the process.
- 2.7 In January 2019 the Licensing Committee introduced a new and more robust licensing policy bringing clarity to the Council's approach to licensing of the taxi and private hire functions with clearer boundaries on how licenses would be determined and what standards are expected as part of obtaining and maintaining a licence.
- 2.8 Where an application or conduct of a driver, vehicle or operator is in clear breach of our policy or conditions delegated authority would allow for the head of Service to act promptly and swiftly by refusing or suspending a licence,
- 2.9 As part of delegated authority the Head of Service in any decision making process would have three options available, namely:-
- i) To grant a licence, along with relevant conditions as appropriate, subject to legislative restrictions
 - ii) To refuse a Licence
 - iii) To refer the application to a Licensing Sub-Committee
- 2.10 Where a revocation of any licence is considered the most appropriate action, consultation will take place with the Chairman and Vice-chairman of the Committee, unless it is of such significant risk to the public, under S.61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 Part ii, that action is required immediately.

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

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the Sub-Committee and officers supports this priority, and its action to 'improve processes to reduce the time taken from receipt to decision of taxi licensing matters'.

4. LEGAL IMPLICATIONS

- 4.1 Without a formalised scheme of delegation for licensing and registration functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by demonstrating 'an approved scheme of delegation'.

5. RESOURCE IMPLICATIONS

- 5.1 There are no direct resource implications to this report. The report formalises a scheme of delegation between the sub Committee and officers. This presents efficiency savings in the Licensing Service as certain decisions can be made by officers, rather than having to be determined by the Sub-Committee.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The recommendation fulfils the corporate aim of being a more efficient and effective council

CONTACT OFFICER

Chris Stopford
Tel: 01480 388280
Email: Chris.Stopford@huntingdonshire.gov.uk

This page is intentionally left blank

APPENDIX A – CURRENT SCHEME OF DELEGATIONS

POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING AND PROTECTION COMMITTEE

(Reviewed 19th July 2016)

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976	To determine transfers of hackney carriage plates	Head of Community	24.01.78	
Local Government (Miscellaneous Provisions) Act 1976	To determine applications for private hire and hackney carriage vehicle licences, private hire and hackney carriage driver's licences, and private hire operators licences	Head of Community	23.01.79	Refusal, suspension and revocation provisions to be exercised in consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse, suspend or revoke private hire and hackney carriage driver's licences, and private hire operators licences.	Head of Community	23.01.79	Refusal, suspension and revocation provisions to be exercised in consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse, suspend or revoke private hire and hackney carriage vehicle licences	Head of Community	23.01.79	
Local Government (Miscellaneous Provisions) Act 1976	To review the penalty points system for private hire operators, proprietors and drivers in light of changes to legislation	Licensing Manager	09.06.11	
Local Government (Miscellaneous Provisions) Act 1976	To determine the scale of fees for advertising on digital display screens (fitted to the front headrests of hackney carriage and private hire vehicles)	Licensing Manager	09.06.11	After consultation with the Chairman and Vice-Chairman of the Committee.

APPENDIX B

POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING AND PROTECTION COMMITTEE

(Proposed June 2019)

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976	To determine transfers of hackney carriage plates	Head of Community	24.01.78	
Local Government (Miscellaneous Provisions) Act 1976	To determine applications for private hire and hackney carriage vehicle licences, private hire and hackney carriage driver's licences, and private hire operators licences	Head of Community	23.01.79	
Local Government (Miscellaneous Provisions) Act 1976	To refuse or suspend hackney carriage, private hire driver in line with policy and legislative parameters	Head of Community	23.01.79	
Local Government (Miscellaneous Provisions) Act 1976	To suspend or revoke hackney carriage and private hire driver licences under LGMPA S.61 (2B) (Immediate risk to public)	Head of Community	19.06.19	
Local Government (Miscellaneous Provisions) Act 1976	To revoke private hire and hackney carriage driver's licences,	Head of Community	19.06.19	After consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse or suspend hackney carriage, private hire vehicle licenses in line with policy and legislative parameters	Head of Community	23.01.1979	
Local Government (Miscellaneous Provisions)	To revoke private hire and hackney carriage vehicle licences	Head of Community	23.01.79	After consultation with the Chairman and Vice-

Act 1976					Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse or suspend private hire operator licences in line with policy or legislative parameters	Head of Community		19.06.19	
Local Government (Miscellaneous Provisions) Act 1976	To revoke private hire operator licences	Head of Community		19.06.19	After consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To review the penalty points system for private hire operators, proprietors and drivers in light of changes to legislation	Licensing Manager		09.06.11	
Local Government (Miscellaneous Provisions) Act 1976	To determine the scale of fees for advertising on digital display screens (fitted to the front headrests of hackney carriage and private hire vehicles)	Licensing Manager		09.06.11	After consultation with the Chairman and Vice-Chairman of the Committee.

Agenda Item 5

Public
Key Decision – No

Subject Matter: LICENSING AND PROTECTION SUB-COMMITTEE

Meeting/Date: Licensing and Protection Committee – 19 June 2019

Executive Portfolio: Executive Councillor for Operations and Regulation -
Councillor Mrs M L Beuttell

Report by: Elections and Democratic Services Manager

1. INTRODUCTION

- 1.1 The Licensing and Protection 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
24 April 2019	S Criswell	Renewal Application for a Hackney Carriage and Private Hire Licence.	Refused
		New Application for a Hackney Carriage and Private Hire Licence.	Granted.
		New Application for a Hackney Carriage and Private Hire Licence.	Deferred.
12 June 2019	S Criswell	Review of a Hackney Carriage and Private Hire Licence.	To be reported.
		Renewal Application for a Hackney Carriage and Private Hire Licence.	To be reported.
		Review of Hackney Carriage and Private Hire Licence..	To be reported.
		Renewal Application for a Hackney Carriage and Private Hire Licence.	To be reported.

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.

This page is intentionally left blank