

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held as a **REMOTE MEETING VIA MICROSOFT TEAMS** on **WEDNESDAY, 24 JUNE 2020** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

## **AGENDA**

### **APOLOGIES**

**1. MINUTES** (Pages 3 - 8)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 11th March 2020 and 17th May 2020. **(Minutes of 17 June 2020 - TO FOLLOW).**

**Contact Officer: Democratic Services**

**2. MEMBERS INTERESTS**

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

**Contact Officer: Democratic Services**

**3. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE ACTION PLANS**  
(Pages 9 - 18)

To consider the monitoring report on the delivery of the Food Law Enforcement Plan and Health and Safety Service Plan for the period 1st April 2019 to 31st March 2020.

**Contact Officer: M Bebbington - (01480) 387075**

**4. DUTY OF CARE SECTION 34 (2A) OF THE ENVIRONMENTAL PROTECTION ACT 1990** (Pages 19 - 30)

To receive an update by the Community Resilience Manager on activities since the last meeting of the Committee.

**Contact Officer: Claudia Deeth - (01480) 388233**

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

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

**Contact Officer: Democratic Services**

**6. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERS (Pages 33 - 36)**

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

**Contact Officer: Licensing - (01480) 387075**

Dated this 16th day of June 2020



Head of Paid Service

**Disclosable Pecuniary Interests and Non-Statutory Disclosable Interests**

Further information on [Disclosable Pecuniary Interests and Non - Statutory Disclosable Interests is available in the Council's Constitution](#)

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Arrangements for these activities should operate in accordance with [guidelines](#) agreed by the Council.

**Please contact Mrs Claire Bulman, Democratic Services, Tel: 01223 752547 / email: Democratic.Services@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.**

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

Agenda and enclosures can be viewed on the [District Council's website](#).

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in the Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 11 March 2020

PRESENT: Councillor S J Criswell – Chairman.

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

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors D J Mead and K I Prentice.

### 18 MINUTES

Subject to the substitution of the word 'they' to the word 'businesses' in the fourth line of paragraph four of Minute No. 14, the Minutes of the meeting held on Wednesday 4 December 2019 were approved as a correct record and signed by the Chairman.

### 19 MEMBERS INTERESTS

No declarations were received.

### 20 DUTY OF CARE SECTION 34 (2A) OF THE ENVIRONMENTAL PROTECTION ACT 1990

With the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee considered a proposal to issue Fixed Penalty Notices to residents for failing to ensure that their household waste is transferred to an authorised waste carrier under Section 34(2A) of the Environmental Protection Act 1990.

By way of introduction, Members were advised that incidents of Fly Tipping continue to have an impact across the District and were reported on an almost daily basis. It was envisaged that the ability to utilise powers in relation to Duty of Care would enable the District Council to increase awareness of the responsibilities of individuals when disposing of their waste and contribute to the District Council's overall efforts to tackle the ongoing issues relating to the illegal disposal of waste.

In terms of calls for service in relation to incidents of the illegal disposal of waste, the Committee were advised that in 2019 there had been 985 reports of fly-tipping and there have been 115 in the year to-date. The Community Resilience Manager undertook to circulate further details in relation to the number of investigations undertaken. In response to a question regarding the impact of the recent changes by the County Council to Household Waste Recycling Centres, it

was noted that this was being reported as a reason by those issued with Fixed Penalty Notices.

In considering the proposal, Members of the Committee recognised the need to address the ongoing issues particularly in light of the number of complaints received from parish councils but expressed concerns particularly in relation to the potential impact on the more vulnerable members of society who may not understand their new responsibilities. In this regard, Members were reassured to hear that there would be an extensive awareness raising campaign, that cases would be considered individually on a case by case basis and it was not the intention to penalise more vulnerable individuals. The education of the potential users of these services would also help to assist in the identification and prosecution of fly-tipping offenders and that this would always be the first and preferred approach. There would also be the opportunity for individuals to appeal if they felt that they had been wrongly issued with a Fixed Penalty Notice.

In a similar vein, concerns were expressed that the proposal should be targeted at the perpetrators of fly tipping themselves. However, Members were advised that several current prosecutions had identified the need to target the providers of the waste and the Committee received assurances that the approach to the issue of Fixed Penalty Notices would not be overly forceful. Members were advised that by educating individuals as part of the communications campaign it was hoped to have a significant impact on the levels of fly-tipping within the District and a number of Members of the Committee took the view that individuals need to take responsibility for the disposal of their waste and that there was a balance to be struck in this regard.

Members emphasised the need for a more extensive communications campaign before the introduction of any Fixed Penalty Notices and it was agreed that the proposal for a 28-day campaign was insufficient and should be extended to 1st June 2020. It was also suggested that as part of the campaign, information should be provided on what can and can't be currently taken to household waste recycling centres, a list of approved waste carriers and details of the Council's Bulky Waste Disposal Service. The Committee agreed that District Council Members also had a role to play in providing information to their parish councils and the Community Resilience Manager was asked to draft an article for circulation which could be incorporated into local parish magazines, together with an appropriate press release. Comment was also made regarding the potential to provide information by way of a 'bin hanger' on residents refuse bins and the Community Resilience Manager undertook to give this further consideration.

Members were also of the opinion that the education of residents could also address the differences between household waste and commercial waste recycling centres where there was often confusion and provide information concerning restrictions surrounding their use.

The Committee went on to discuss the penalties which were issued to the perpetrators who were found to be fly-tipping and it was reported that these individuals could be issued with a Fixed Penalty Notice of £400, the maximum which could be applied. The District Council did undertake a number of prosecutions, but potential prosecutions needed to be considered on a case by case basis and the likely outcomes taken into consideration. Members also noted that the District Council have in the past also attempted to utilise powers to

confiscate vehicles to deal with the problems within Huntingdonshire. The Committee were keen to emphasised that the perpetrators of fly-tipping should receive the brunt of any penalty system and should always be the primary focus of efforts to address fly-tipping.

During the discussions, Councillor A Diaz expressed her concerns with regards to the proposals and suggested an alternative approach involving for example, the provision of greater information from the District Council or a significantly longer communications campaign to see if this had any potential impact before the introduction of any fines were introduced.

Whereupon having acknowledged that the new powers would be utilised sparingly, that residents have an individual responsibility to ensure that their waste is disposed of appropriately and on the understanding that an extensive communications campaign would be put in place until the later date of the beginning of June, it was

#### RESOLVED

- a) that delegated officers of the District Council be given authority to issue Fixed Penalty Notices for the offence of Duty of Care for incorrectly disposing of household waste under Section 34(2A) of the Environmental Protection Act;
- b) that the level of Fixed Penalty Notice be set at £250;
- c) that authority be given to the District Council's Chief Operating officer to delegate responsibility to identified officers to issue Fixed Penalty Notices for Resident Duty of Care Offences from 1st June 2020; and
- d) that an update be presented to the next meeting.

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

With the assistance of a report by the Acting 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 on the Council's Food Law Enforcement and Health and Safety Service Plans during the period 1st April 2019 to 31st January 2020.

In general terms, the Committee were advised that continued vacant posts and the loss of the lead food officer had had an impact on targets and service delivery during the year. Attention was then drawn to the appendices within the report which contained the detailed performance information relating to the plans.

In terms of the detailed performance information, the Committee were advised that as a result of the staffing situation, priority had been given to higher risk interventions and complaints whilst providing business support to maintain a quality service. Members conveyed their appreciation to the team for the commitment during this difficult period.

In reviewing programmed activity against the Food Safety Service Plan, the Committee noted that progress against the number of programmed food hygiene inspections was currently at amber, this was a direct consequence of the way that inspections were structured. The Acting Operational Manager (Business) was optimistic that the highest risk inspections would be completed by the end of the financial year. Progress was also being made in business support functions following the recruitment of a new business support manager for the service.

Members commented on the activities within the Food Safety Plan which had been classified as 'Red'. In response to which, the Acting Operational Manager (Business) reiterated that priority had been given to the highest risk activities / reactive work whereas the Alternative Enforcement Strategy for example dealt with the lowest risk food premises. Other proactive visits had been reduced for the same reason which had resulted in the red rating within the report.

Comment was made with regards to the references within the report to the UK leaving the EU and the potential impact on imported food controls for Local Authorities. Whilst this remained unclear at this stage, there could be a significant impact if there became an expectation that local authorities were required to inspect food export and import companies, as this was not currently required. The District Council was continuing to work with the countywide group to promote the risks to local authorities at a national level.

The Committee discussed the ongoing vacancies within the Environmental Health team and Members were advised that a technical lead food officer had now been appointed. It was intended to re-advertise the other vacant posts shortly. In response to questions from Members, the Committee were provided with the difficulties which had been encountered in appointing suitable qualified environmental health officers and the recent changes in the operation of the organisation which may make employment at the District Council more attractive, together with the use of alternative advertising methods to promote vacancies.

Whereupon, it was

**RESOLVED**

that progress on the delivery of the Service Plans for the period 1st April to 31st January 2020 be noted.

## **22 SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2020-21**

Consideration was given to a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) to which was attached a proposed Service Plan for Food Law Enforcement in 2020-21, which enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.

In presenting the report, attention was drawn to the potential impact on the successful delivery of the Plan from the continuing vacancies within the Business Team and details of the available resources for the forthcoming year were also provided. Members were advised that the Authority had recently begun recording the number of re-score requests under the Food Hygiene Rating scheme and

would continue to do so going forward. Re-score visits also generated a small income for the District Council.

In reviewing the details of the draft plan and the targeted levels of activity for each activity area, comment was made with regards to the reduction in Primary Authority Partnership Activity and the Committee were advised that the Primary Authority Agreement for Cambridgeshire was no longer in existence.

Whereupon, it was

RESOLVED

that the Service Plan for Food Safety Enforcement 2020-21 be approved in accordance with the Council's Constitution.

### **23 SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2020-21**

Consideration was given to a report by the Acting Operational Manager (Business) a copy of which is appended in the Minute Book) to which was attached the proposed Service Plan for Health and Safety Regulation 2020-21 which enables the Council to discharge its duty as an enforcing authority for Health and Safety regulation.

In reviewing the draft Plan, the Committee commented on the performance data for the previous year and were pleased to note that despite the continuing vacancies within the team, all health and safety complaints and requests for service have been responded to. The fatality at Hamerton Zoo had continued to draw on resources within the team as work had been undertaken with experts to identify future steps and review best practice. However, this was expected to conclude shortly.

In response to a question from a member of the Committee, Members were advised that there were currently 2,274 premises on the premises database and which were categorised by Health and Safety Executive classification. A brief discussion then ensued regarding the reporting mechanisms for accidents and incidents at these premises.

Whereupon, it was

RESOLVED

(a) that the Service Plan for Health and Safety Regulation 2020-21 be approved in accordance with the Council's Constitution.

(b) that the Operational Manager (Business) be authorised to update the 2019/20 performance data within the Service Plan prior to publication.

### **24 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

that the press and public be excluded from the meeting because the business to be transacted contains exempt information that is likely to reveal the identity of an individual.

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

With the aid of a report by the Licensing Team (a copy of which is appended in the annex to the Minute Book) the Committee noted the details of actions which had been taken under the powers delegated by the Licensing and Protection Committee.

In terms of the information which had been included within the report, the Committee were advised that changes to the scheme of delegation and the introduction of new lean working practises had enable officers to take action more quickly and undertake a greater number of investigations. The increase in activity within the last quarter also reflected the fact that a significant number of suspensions had arisen as a result of the lapse of one Operating Licence. However nearly all these suspensions had now been lifted. Details of the reasons surrounding a decision not to renew a current licence were also provided.

Attention was drawn to the number of licensing decisions which had been appealed during the period, which was noteworthy given the significant number of decisions which had been made. Clarification was also sought and provided on the details of one case.

Following a question as to why this item was considered in private session and in light of other members' comments on the matter, it was agreed that further consideration would be given to the matter and the potential presentation of information in advance of the next meeting.

Chairman



**Public**  
**Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

<b>Title/Subject Matter:</b>	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
<b>Meeting/Date:</b>	Licensing and Protection Committee – 24 June 2020
<b>Executive Portfolio:</b>	Executive Councillor for Communities – Cllr K Prentice
<b>Report by:</b>	Acting Operational Manager (Business) – M Bebbington
<b>Ward(s) affected:</b>	All.

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### **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 year end figures from 1 April 2019 to 31 March 2020. 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):**

**Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 April to 31 March 2020.**

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

- 1.1. The report provides information about the delivery of the two Service Plans for the cumulative figures for the year between 1 April 2019 and 31 March 2020.

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

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

## **3. DESCRIPTION OF THE SERVICES COVERED BY THE REPORT**

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

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

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

- Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
- 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);
- The provision of compliance advice to businesses.

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

- 4.1 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.
- 4.2 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.

## **5. ACTIONS AND PROGRESS AGAINST THE APPROVED PLANS**

- 5.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.
- 5.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan. The key activities of compliance revisits, approved premises inspections and other proactive visits are all green. Inspections of premises within the risk-based programme are at red, although the highest risk based premises A-C are all up to date, this is owing to the impact of vacancies within the team and a higher number of new food business registrations coming through. The alternative enforcement strategy is currently at red; this is not however an immediate concern as these are our very low risk premises that are assessed by means other than visits and will be followed up throughout the remainder of the year.
- 5.3 The focus in the last quarter has been to target new business registrations and interventions which has been successful and moved from Amber to Green. Official controls have been undertaken in all high-risk premises (A and B) bar one, due to Covid 19, has been completed.
- 5.4 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. Any intelligence emerging around trends can be used to inform proactive work through education or enforcement action. Officers anticipate that these figures will prove volatile in 2020-21 as a result of Covid 19 due to most reports of food poisoning traditionally being from food consumed at home
- 5.5 The food hygiene training programme has not been delivered to the level the team would like, however of the three courses held they have had a very high success rate. It remains a commitment by the team to re-establish these as soon as possible. We continue to be open to enquiries regarding primary authority, following a successful pilot with Regulatory Delivery the section of government responsible for the primary authority regime. This work seeks to establish effective collaboration with signpost-2-grow and neighbouring authorities to link business with a regulator who is able to delivery primary authority services.
- 5.6 The Health and Safety Service Plan also contains a mixture of programmed work, reactive work and the provision of compliance information and advice. The number of inspections carried out is down with reported accidents being higher than envisaged and taking resources.
- 5.7 Officers continue to witness serious health and safety problems whilst carrying out other duties. These are identified as “Matters of Evident Concern” (MEC), The frequency with which matters of evident concern

are reported is an indication of the extent to which businesses fail to manage serious risks without our intervention. The team saw a rise at the end of year due to Covid 19 issues relating to distancing in the workplace.

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

- 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. CONSULTATION**

- 7.1 No consultations required as part of this report

## **8. LEGAL IMPLICATIONS**

- 8.1 None.

## **9. RESOURCE IMPLICATIONS**

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

## **10. OTHER IMPLICATIONS**

- 10.1 None.

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

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

## **12. LIST OF APPENDICES INCLUDED**

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

## **CONTACT OFFICER**

Name/Job Title: M.Bebbington – Acting Operational Manager (Business)  
Email: myles.bebbington@huntingdonshire.gov.uk

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

Proactive Tasks	Level of	Activity	Progress
	Predicted activity 2020-21	Recorded activity 1 April 2019 – 31 March 2020 Figures in brackets are Q4 stats	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	409	328 (61)	<b>AMBER</b>
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	106	31(22)	<b>RED</b>
Revisits	20	24 (15)	<b>GREEN</b>
Inspections of or visits to new food businesses <sup>1</sup>	130	124 (92)	<b>GREEN</b>
Visits to Approved Establishments	6	5 (0)	<b>GREEN</b>
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training	2hrs	0 Hrs (0)	<b>AMBER</b>
Other proactive visits (food, water and environmental samples/advisory)	100	54 (0)	<b>RED</b>
Prosecutions and cautions	2	2(0)	<b>GREEN</b>
Formal action (service of notices, closures)	10	0	<b>GREEN</b>

<p>Food safety and public health promotion</p>	<ul style="list-style-type: none"> <li>• <i>A total of 3 food hygiene training courses have been delivered with high success rates. Further opportunities for bespoke courses are being pursued</i></li> <li>• <i>Better Business for All initiatives have been completed through seminars, website and joint schemes with neighbouring authorities</i></li> <li>• <i>Business Support are continuing to contribute to the FSA enhanced registration of businesses work stream by collating and submitting real data</i></li> </ul>	
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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. *A concerted effort to inspect new food businesses in the last Quarter has turned the status from Amber to Green*

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

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2020-21	Recorded activity 1 April 2019 – 31 March 2020 Figures in brackets show Q4 stats	RAG Status
Complaints and service requests about food and about/from food businesses – Low is good	550	560 (43)	<b>GREEN</b>
FHRS re-score requests	30	36 (10)	<b>GREEN</b>
Food, water and environmental samples taken – subject to demand	25	6 (6)	<b>AMBER</b>
Infectious disease control - notifications of food-borne/food poisoning illnesses – low is good	80	60 (4)	<b>GREEN</b>
FSA food alerts for action	2	3 (0)	<b>GREEN</b>

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Table 1 – Health and Safety Activity

Activity	Level of activity	
	2019-20 (Actual)	2020-21 (Estimated)
Premises inspections and interventions (including revisits)	12 (0)	10
Health and safety complaints and requests for service *	68 (8) 6 Covid related	75
eAccident and dangerous occurrence investigations commenced **	44 (8)	30
Specific smoke free enforcement visits***	2 (0)	0
Matters of Evident Concern (MEC)****	33 (10) 4 Covid related	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	two meetings of the Cambridgeshire and Peterborough Food and Safety Group	

\* 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.

\*\*The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

\*\*\* This figure is driven by the number of relevant complaints received by the service.

\*\*\*\* Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities.

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**Public**  
**Key Decision - No\***

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** Duty of Care, Section 34(2A)  
Environmental Protection Act 1990

**Meeting/Date:** Licencing and Protection Committee –  
Wednesday 24<sup>th</sup> June 2020

**Executive Portfolio:** Councillor Keith Prentice - Executive Councillor  
for Communities.

**Report by:** Community Resilience Manager.

**Ward(s) affected:** All

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### **Executive Summary:**

The purpose of this report is to provide an update to the Licensing and Protection Committee following the request made at their 11<sup>th</sup> March 2020 meeting in relation to the Environmental Protection Act 1990. A request was made for the approval of identified officers to be delegated authority under Section 34(2A) of the Environmental Protection Act 1990 to issue Fixed Penalty Notices of up to £250 to a resident responsible for not ensuring their household waste was transferred to an authorised (reputable) waste carrier. The request was approved on the basis that an extensive awareness raising campaign would take place ahead of the power being authorised for use from 1<sup>st</sup> June 2020.

The report will detail the communications that have taken place but also recognises the need for further awareness raising.

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

**That the Licencing and Protection Committee approve that:**

- 1. Authority is given to the District Council's Chief Operating Officer to delegate responsibility to identified Officers to issue Fixed Penalty Notices for Resident Duty of Care Offences from 1st July 2020 as opposed to the previously agreed date of 1<sup>st</sup> June 2020.**
- 2. That consideration be given to the communications that have already been issued and the acknowledgement that the team will continue to promote the messages in relation to a residents responsibilities as opposed to immediately resorting to issuing a Fixed Penalty Notice.**

## 1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to update the Committee following the recommendations that were agreed at the meeting held on 11<sup>th</sup> March 2020. The recommendations were that following an extensive media campaign:
- a) that delegated officers of the District Council be given authority to issue Fixed Penalty Notices for the offence of Duty of Care for incorrectly disposing of household waste under Section 34(2A) of the Environmental Protection Act;
  - b) that the level of Fixed Penalty Notice be set at £250;
  - c) that authority be given to the District Council's Chief Operating officer to delegate responsibility to identified officers to issue Fixed Penalty Notices for Resident Duty of Care Offences from 1st June 2020; and
  - d) that an update be presented to the next meeting.

## 2. WHY IS THIS REPORT NECESSARY/ BACKGROUND

- 2.1 At the request of the Committee, an update in relation to Duty of Care is being provided to this meeting. The update also details the impact that Coronavirus has had on the planned awareness raising campaign.

## 3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 Calls for service in relation to incidents of fly-tipping and the action taken since 2017:

No. of Reported Fly-Tips (From Ops)	No. visited by CP&E	No. of FPNs issued (excludes Littering)	No. of Prosecutions
Apr 2018 - 19 = 956	403	3	4 complete & 1 out for warrant
Apr 2019 - 20 = 1335 (improvements in recording methods)	428	4	3 complete & 2 Pending trial
Apr 2020 to date = 476 (Increase through COVID period)	177 to date	On hold until lockdown eases	On hold until lockdown eases - 14 investigations pending

## 4. KEY IMPACTS / RISKS

- 4.1 We recognise that it is important to manage reputational risk by ensuring that residents understand their responsibilities in relation to the correct collection and disposal of their waste. We have introduced and delivered a communication strategy that provides advice and guidance to residents wishing to have waste removed.

4.2 The messages given have been designed as part of the Eastern Region RECAP S.C.R.A.P campaign which the neighbouring authorities have also signed up to.

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

5.1 It was agreed at the last Committee meeting held in March that there would be a period of focused awareness raising to highlight the responsibilities that residents had in ensuring that a person being paid to remove their waste was doing so legally. Unfortunately, Coronavirus had a significant impact on the planned media campaign due to the team being required to focus their efforts on the 'at risk' and 'vulnerable' members of our community. This meant that the awareness raising campaign did not start immediately but as officers have started to return to their normal duties, attentions have returned to this area of business. A full list of the targeted communications can be shown at Appendix 1.

5.2 During the Government Lockdown that commenced on 23<sup>rd</sup> March 2020, a significant increase in incidents of fly-tipping were experienced. This is believed to be due to more people spending time at home carrying out DIY and the recycling centres being closed.

5.3 The following forms of communication have been used to highlight the responsibilities around Duty of Care associated with the removal of waste:

- Local newspapers
- Social media – Continuous
- Countywide media SCRAP Campaign
- Channel 5 documentary (Part of the District Council's input to the series of Grime and Punishment)
- Communications through the Recognised Organisations (ROs) that have been created as part of the District Council's response to Covid-19

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

6.1 One of the strategic objectives of the Corporate Plan 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 delegated 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 the Corporate Plan.

## **7. LEGAL IMPLICATIONS**

- 7.1 By an individual paying the FPN, this discharges their responsibility in relation to the offence. Failure to pay the FPN in the time given will result in a file being prepared and submitted for prosecution. This service will be provided by 3C Legal whom already support the Community Protection and Enforcement Team in court related matters.

## **8. RESOURCE IMPLICATIONS**

- 8.1 It is believed 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 the fine level.
- 8.2 The intention is that by adopting the new power and setting the fine level that is proportionate to the offence and not offering an early payment option, will encourage our communities to think seriously before allowing illegal waste transfers to take place. In turn, this could reduce the amount of fly-tipped waste across the district, which will allow the Operations Division to target their resources at other more important issues.

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

- 9.1 At the Committee meeting held in March, it was agreed that delegated officers would have the authority to issue Fixed Penalty Notices for Duty of Care from 1<sup>st</sup> June 2020. Coronavirus has affected the ability of the team to communicate the intended messages and therefore it seems appropriate to extend the awareness raising campaign and defer the authority to issue Fixed Penalty Notices to 1<sup>st</sup> July 2020.
- 9.2 The importance of continuing to promote residents' responsibilities in relation to Duty of Care is recognised and this will continue for the foreseeable.

## **10. LIST OF APPENDICES INCLUDED**

### **Appendix 1**

Examples of social media campaign delivered to date March – June 2020

**Environmental Protection Act 1990. Section 34(2A)**  
<http://www.legislation.gov.uk/ukpga/1990/43/section/34>

**Corporate Enforcement Policy**

<https://www.huntingdonshire.gov.uk/media/3595/corporate-enforcement-policy.pdf>

## **11. BACKGROUND PAPERS**

The Environmental Offences (Fixed Penalties) (England) Regulations 2017

### **CONTACT OFFICER**

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

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## Appendix 1

Examples of social media campaign delivered to date March – June 2020

### 24 March 2020 – Reduced service announcement CPE

**Huntingdonshire District Council** 24 March · 🌐

Community update:

The team are having to create an increased priority system for dealing with public reported incidents such as abandoned vehicles and fly tipping so please note that we appreciate your patience as we deal with requests during this unusual time.

Like Comment Share

1

4 shares

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**Huntingdonshire District Council's post**

**[Redacted]**  
I think being closed is encouraging fly tipping to be honest. More so with people being home all day with nothing better to do than have a good clear out!  
This could be manned so easily ie 2 cars at a time etc. Its open air where is the danger?  
7 w Like Reply 7

**[Redacted]**  
Huntingdonshire District Council this was a terrible move.. people are now using the time to clear out their houses.. I'm still seeing man and a van posts.. where exactly are they taking the rubbish? As said above you could easily work around the social distancing issue.. because of this and being no fault of council tax payers no doubt our tax will increase after lockdown in order to deal with the mass influx of rubbish....  
7 w Like Reply 6

**Huntingdonshire District Council's post**

**[Redacted]**  
Further encouraging fly tipping !!!  
Which I as a lake owner will have to deal with. It should be essential to stay open!!! Bad bad management. Hope you're proud.  
7 w Like Reply 4

**[Redacted]** replied · 4 replies

**[Redacted]**  
Our rubbish collections are cut in half  
refuge centres closed garden collection that I pay separately for suspended no word of a refund  
7 w Like Reply 1

**[Redacted]**  
To many people flouting the rules so things will he made tougher  
7 w Like Reply

**[Redacted]**  
Like the stupid registration idea... restricting the amount of trips... absurd. Poor v. Poor.

### 03 April 2020 – Keep your waste at Home during Lockdown

All household recycling centres (HRCs) across Cambridgeshire and Peterborough are now closed until further notice.

Do not leave waste outside the gate - this is fly tipping.



My consistent experience of the Alconbury Recycling Centre is that there are now so many restrictions enforced that it is likely to result in increased fly tipping. You should be encouraging people to bring their waste there - what legitimate alternatives will the majority of customers use instead?

6 w Like Reply

Huntingdonshire District Council Hi [redacted] The Household Recycling Centres are run by Cambridgeshire County Council who have made a decision to close them until further notice to encourage residents to stay at home and limit the spread of coronavirus.

6 w Like Reply

09 April 2020 – Fly Tipping is illegal posts

Fly Tipping is illegal.

With local recycling centres currently closed, some may be tempted to dispose of their waste by fly tipping it across the District.

Please keep your waste within your property's boundaries and when open again, take it to your local recycling centre.



Came across this at Hill Rise allotments at the weekend!




5 w Like Reply

Huntingdonshire District Council Thank you for the photo and I have reported it to our Operations team under SR 744768.

5 w Like Reply

19 April 2020 – CPE Officers continue Patrols


**Huntingdonshire District Council**
...  
 19 April · 🌐

Council Officers are still patrolling the district around our rural locations and fly tipping hot spots. With reduced traffic on the roads if you do spot a vehicle acting suspiciously, record the details and send us the information.

[https://www.huntingdonshire.gov.uk/environmental-issues/fly-tipping/?fbclid=IwAR39YFgAXhV0FkNoa1PznpXBsh3Jbdi7rrdG5GvcCf\\_XIs53w-05AT54e0s](https://www.huntingdonshire.gov.uk/environmental-issues/fly-tipping/?fbclid=IwAR39YFgAXhV0FkNoa1PznpXBsh3Jbdi7rrdG5GvcCf_XIs53w-05AT54e0s)



HUNTINGDONSHIRE.GOV.UK

**Fly Tipping - Huntingdonshire.gov.uk**

Website of Huntingdonshire District Council

 Like
  Comment
  Share

 3

8 shares

## 09 May 2020 - How to guide for using waste Carriers


**Huntingdonshire District Council**
...  
 9 May at 11:00 · 🌐

With the extra time we all currently have at home doing DIY work, you may be tempted to pay someone to take your waste away.

Before making any calls or sending a message please use the checklist below to help your local Councils stop the Rogue Traders.

- **Check the company** has a 'waste carriers' licence with the Environment Agency on 03708506506 or on their website: <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers>
- **Get a quote** (it costs £120 per ton to get rid of waste legally) so is it too good to be true?
- If you chose a company, they should **show you their Waste Carrier License** on arrival, if not do not use them. Please report to your local Council.
- **Find out where the waste is going** for disposal before they load their van or trailer – note it down.
- **Take a picture of your waste** that they are going to take – save it just in case.
- **Take a picture of the vehicle** removing your waste, if they are legitimate, they will not mind.
- Once loaded **the Carrier must give you a receipt** which describes the waste they have taken, where it is going and cost charged.
- **If you communicate via Facebook / Messenger or Text, screen shot and save your messages.**

*Thank you for your help to reduce Fly Tipping*

 Like
  Comment
  Share

 5

24 shares

## 11 May 2020 – Recycling Centre update

Household Waste and Recycling Centres are now open for essential waste only.  
Please only attend if it's absolutely necessary. Social distancing is in place and there are limits to the number of vehicles on site, so expect significant queues: <https://bit.ly/35yKO4o>

CAMBRIDGESHIRE.GOV.UK  
**Re-opening of Household Recycling Centres**  
null

👍 Like    💬 Comment    ➦ Share

👍 3

3 shares

 [Redacted]  
Surely its better to open the tips  
2 w Like Reply 1

 Tfp Tim replied - 2 replies

 [Redacted]  
Get a skip? It's your rubbish, not the councils.  
2 w Like Reply


 [Redacted]  
People fly tip.regardless  
2 w Like Reply

 [Redacted]  
Bluntisham busy




2 w Like Reply


 [Redacted]  
Still be flying tipping if the open cos some bright spark won't let you in if your in a sign written van even if its waste from your own garden and your 90 year old neighbour or have they change it again  
2 w Like Reply 3


 [Redacted]  
Open the tip to everyone and you won't have to turn people away. Rocket science....  
2 w Like Reply 2

 [Redacted] 5 replies

 [Redacted]  
Surely better to charge them a small amount rather than turn them away? How much does it cost to clear each fly tip?  
2 w Like Reply 3

**Most relevant** ▾

 [Redacted]  
Or.. here's an idea. Give people somewhere to dispose of their waste. It could have different bay's for different things. Like one for garden waste, one for household waste for when grey bins get rejected. Could even have bays for recyclables, break that down into sub categories.  
2 w Like Reply 3

 [Redacted]  
They do have different bays for all materials at the moment they have re opened but only for cars there's no excuse for dumping rubbish anywhere but the appropriate place I must say though it would be a good idea to let vans dispose of their waste very soon we are all in this together...  
2 w Like Reply

11 May 2020 - Continued Patrolling linked to recycling centres opening



<  **Huntingdonshire District Council** ...  
11 May at 11:54 · 🌐

Our Enforcement Officers are patrolling the district in rural locations checking for fly tipping hotspots.

We've also been to the Household Recycling Centres, working with @Ameypc operatives who run them to identify possible Fly Tippers turned away from their sites.



<  **Huntingdonshire District Council** ...  
11 May at 13:04 · 🌐

The Community Team has been out and about today in our first fully electric vehicle to join the HDC fleet!



**12 May 2020 – Increase around Holme – Public Intel gathering**

Our Community Protection and Enforcement Officers are currently sifting through waste, believed to be dumped on the evening of 11th of May on Short Drove in Holme.

If anyone has any information regarding this fly-tip please send the details to:  
crm\_cpe@huntingdonshire.gov.uk



👍👍👍 40

19 shares

Most relevant ▾



I think if they find something in the rubbish that links the rubbish to the person who dumped it the rubbish should be taken to whom it belongs and dumped in their garden!

1 w Like Reply 😂 1



Not only dumping, putting other lives at risk too. Having to dispose of it and also hopefully find the person that dumped it there. Also health hazard and can encourage vermin.

2 w Like Reply 👍 2



This is disgusting and I hope they manage to trace the people responsible!! Heavy fine them 🙄🙄



Thank you for dealing with this so quickly!

2 w Like Reply 👍 1



Hope you find those responsible.

2 w Like Reply 👍 1



Top fan

Thanks for acting so promptly 👍

2 w Like Reply 👍 1



Totally unacceptable and total disgrace

2 w Like Reply 👍 1



Unbelievable 🤔  
Or is it !!

2 w Like Reply 👍 1

**Public**  
**Key Decision - No\***

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** Licensing and Protection Sub-Committees

**Meeting/Date:** Licensing and Protection Committee -  
24 June 2020

**Executive Portfolio:** Executive Councillor for Communities –  
Councillor K Prentice

**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
10 June 2020	S Criswell	Review /Renewal of a Hackney Carriage and Private Hire Licence.	Approved.

1.2 At their meeting on 13 March 2019, it was agreed that the details / outcome of any appeals against the decisions of the Sub-Committee / Head of Service should be included within future reports. These can be provided verbally by the Acting Operational Manager (Business).

### 2. RECOMMENDATION

2.1 The Committee are invited to note the above information.

### BACKGROUND PAPERS

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

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

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## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title:** Suspension, Revocation and Refusals of Hackney Carriage & Private Hire Licences.

**Meeting/Date:** Licensing and Protection Committee – 24 June 2020

**Executive Portfolio:** Executive Councillor for Communities – Councillor Keith Prentice

**Report by:** Licensing Team.

**Ward(s) affected:** All.

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### 1. INTRODUCTION

The Acting Operational Manager (Business) has delegated authority to refuse, suspend or revoke private hire and hackney carriage driver and vehicle licences under the powers delegated by or on the recommendation of the Licensing and Protection Committee.

Below is a summary of the actions that have taken place since the last meeting of the Committee.

### 2. REPORT

#### 2.1

Date	Licence type	Decision	Reason
26.02.2020	Private Hire Vehicle Licence	Revocation	Non – compliance by licence holder.  Failed to provide proof of insurance.
26.02.2020	Private Hire Vehicle Licence	Revocation	Non – compliance by licence holder.  Failed to provide proof of insurance.  No road tax
26.02.2020	Private Hire Vehicle Licence	Revocation	Non – compliance by licence holder.

			Failed to provide proof of insurance.
16.03.2020	Private Hire Operator Licence	Suspended	Breach of licence conditions.  Failure to produce Private Hire booking records  Obstruction of an authorised officer.
17.03.2020	Hackney Carriage/Private Hire Driver Licence	Revoked	Convicted of a criminal offence during the period of a licence.  Possession of drugs.
20.03.2020	Hackney Carriage/Private Hire Driver Licence	Suspended	Failure to provide medical when required.
24.03.2020	Private Hire Vehicle Licence	Suspended	Failure to display Private Hire licence plate and HDC door signs.  Suspension removed after necessary action taken by licence holder
24.03.2020	Hackney Carriage/Private Hire Driver Licence	Refused	9 penalty points on driving licence  Failing to declare.
30.03.2020	Hackney Carriage/Private Hire Driver licence [new applicant]	Refused	Failing to declare motoring conviction.  Previously disqualified under totting up rules.

03.04.2020	Hackney Carriage/Private Hire Driver licence [new applicant]	Refused	Failing to declare two criminal convictions on application.  Providing false/misleading information on application.
27.04.2020	Hackney Carriage/Private Hire Driver licence [new applicant]	Refused	Failing to declare motoring conviction.  Deemed to be unfit due to number of previous criminal convictions.
07.05.2020	Private Hire Vehicle Licence	Suspended	No road tax.  Vehicle in an unfit condition.  Suspended under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976
11.05.2020	Hackney Carriage/Private Hire Driver licence [new applicant]	Refused	Failing to declare caution which was received 7 days prior to applying for a licence.

### 3. RECOMMENDATION

3.1 Members are requested to note and consider the above information

Contact Officer: Licensing Team  
[licensing@huntingdonshire.gov.uk](mailto:licensing@huntingdonshire.gov.uk)

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