

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held as a **REMOTE MEETING VIA ZOOM** on **WEDNESDAY, 30 SEPTEMBER 2020** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 24th June 2020.

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.

3. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS (Pages 7 - 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 to 30th June 2020.

Contact Officer: M Bebbington - (01480) 387075

4. PUBLIC SPACES PROTECTION ORDER - DOG CONTROL (Pages 19 - 34)

To consider a report by the Operational Manager (People) seeking approval to the making of a new Public Spaces Protection Order for the control of dogs.

Contact Officer: F Flett - (01480) 388377

5. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 35 - 38)

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

22nd day of September 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 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/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](#).

Emergency Procedure

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

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held as a Remote Meeting Via Microsoft Teams on Wednesday, 24 June 2020

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, J R Clarke, Mrs A Dickinson, Mrs S A Giles, Mrs P A Jordan, D J Mead, Mrs P E Shrapnel and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Ms A Diaz and K I Prentice.

4 MINUTES

The Minutes of the meetings of the Licensing and Protection Committee held on 11th March and 17th May 2020 were approved as correct records and signed by the Chairman.

5 MEMBERS INTERESTS

No declarations were received.

6 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 Plans during the period 1st April 2019 to 31st March 2020.

By way of introduction, the Committee were informed that reduced staffing levels continued to have had an impact on the delivery of both Plans although the vacant posts within the Environmental Health Team had been now re-advertised and shortlisting was expected to take place shortly.

In terms of progress being made against programmed activity within the Food Law Enforcement Plan, Members were informed that although the inspections of premises within the risk-based programme had been categorised overall as 'red', inspections at the highest risk premises A-C were all up to date. Whilst activities forming part of the Alternative Enforcement Strategy were currently classified as 'red' this was not an immediate concern as these remained the low risk premises which would be followed up throughout the remainder of the year.

The Committee were informed that the focus within the last quarter had been to target new business registrations and interventions which had largely been successful with performance in this area improving from 'amber' to 'green'.

In terms of the unplanned / reactive work undertaken by the food law enforcement service, Members were advised that performance ratings in these areas were all at 'green' or 'amber' and so for the most part on target.

Having noted that the food hygiene training programme had not been delivered to the level which the Authority would have liked, the Committee were advised that the three courses which had been held had had a very high success rate. Members sought further clarification as to the numbers of individuals who had attended these courses and their availability.

With regards to the performance statistics for health and safety activity, the Committee noted that there had been 68 Health and Safety complaints and requests for service during the year with 6 relating to Covid-19 in the last two weeks which was estimated to increase.

Arising from the report, the Committee went on to discuss the impact of the releasing the Country from 'lockdown' on the delivery of the Council's health and safety and food law enforcement services. In response the Acting Operational Manager (Business) reported that it was his teams that had taken a lead on dealing with business closures by providing advice or dealing with complaints to residents and local businesses during the lockdown. This had resulted in a significant increase to their workload. During the recovery phase there would be an increasing emphasis on the health and safety service as newly reopened premises seek to comply with and abide by new government guidelines for their operation.

In response to a question regarding resources and the impact on an already over-stretched and under-staffed Environmental Health team, the Committee were advised that the Government had recently released funding to assist with the safer reopening of High Streets which provided an opportunity to reclaim expenditure. There also may be potential to utilise temporary staff through recruitment or re-deployment within the organisation.

Finally and having noted that the majority of emerging issues regarding compliance with new government guidelines would be dealt with under health and safety legislation, comment was made with regard to the extent of any potential to deal with matters under licensing legislation. In response to which the Acting Operational Manager (Business) explained that as a last resort a review of a premises licence could be sought for failure to comply with the four licensing objectives in the usual way.

Whereupon, it was

RESOLVED

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

(At 14.07pm during the discussion on this item Councillor B S Banks joined the meeting).

(At 14:10pm Councillor R West joined the meeting).

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

Further to Minute No. 20, and with the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee received an update on proposals 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.

The Committee were reminded that approval had been given on the basis that an extensive awareness raising campaign would take place ahead of the implementation date of 1st June 2020. Whilst some awareness raising had taken place, the impact of Covid-19 had affected the ability of the Community Resilience Team to communicate the intended messages and it was now proposed that the authority to issue Fixed Penalty Notices be deferred to 1st July 2020.

Having acknowledged that the 'lockdown' period had seen a significant increase of incidents of fly tipping within the District, the Committee discussed the closure of the County Council's Household Waste Recycling Centres and the new temporary appointment system which had now been put in place to mitigate the problems being experienced with queuing traffic. It was envisaged that these arrangements might also have an impact on levels of fly-tipping, and the Committee were advised that Fixed Penalty Notices had already been issued to two individuals who had grown tired of queuing and subsequently dumped their waste. A media awareness campaign had now gone 'live' to promote the new appointment system and Members were reassured to hear that all the public comments made upon the District Council's Facebook page were responded to individually, to prevent the spread of misinformation on the matter. Councillor Jordan requested that information regarding the new temporary booking system be provided to Parish Councils for circulation within the local community.

In welcoming the decision to delay the implementation date so that the awareness raising campaign can be extended, Members again emphasised the need to consider the more vulnerable residents within the District when applying sanctions and also discussed the approach which would be taken for repeat offenders.

Reference having been made to the excellent response from the District Council to a recent incident of fly-tipping in Brampton, Members also took the opportunity to commend the operation of the District Council's own bin collection service during the recent weeks.

Whereupon having given consideration to the communications that have already been issued and having acknowledged that the Community Resilience Team would continue to promote resident responsibilities as opposed to the immediate issue of a Fixed Penalty Notice, it was

RESOLVED

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 July 2020 as opposed to the previously agreed date of 1st June 2020.

8 LICENSING AND PROTECTION SUB-COMMITTEES

With the assistance of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee received and noted the details of one meeting of the Licensing and Protection Sub-Committee which had taken place since their last meeting.

9 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 Minute Book) the Committee noted the details of actions which had been taken since the last meeting under delegated authority.

Having noted that Appeals to the Magistrates Courts had been suspended at the current time due to the situation with Covid-19, the Committee were advised that the Authority currently had 4 Appeals pending within the backlog. It was agreed that the outcome of Appeals should be included in the future quarterly reports for Members consideration.

An update on the process for suspending driver licences was also provided.

Chairman

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
Meeting/Date:	Licensing and Protection Committee – 30th September 2020
Executive Portfolio:	Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice
Report by:	Acting Operational Manager (Business) – Myles Bebbington
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 11 March 2020.

This monitoring report covers the Q1 figures from 1 April 2020 to 30 June 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.

The period April to June has been totally dominated by the current Covid 19 outbreak, Businesses and hospitality sectors have been closed which has significantly affected the ability to meet statutory requirements. The Food Standard Agency suspended all planned food safety inspections on the 20th March 2020.

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.

Once Government authorises the food safety inspections to start, a plan of action will be developed by the team to address the backlog, however whilst Higher risk food premises will be the priority if inspections do not start in full

before August it is unlikely we will be able to meet the target set for the year 2020/21

Recommendation(s):

Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1st April to 30th June 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 1st April 2020 and 30th June 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 Under normal circumstances 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 Red due to the suspension of all inspections. However a programme of remote “virtual” inspections have been rolled out so that when physical inspections resume we can re-assess the risk status of premises to identify better which premises need to be inspected most urgently
- 5.3 A higher number of new food business registrations have been received since May 2020, which are being processed virtually to enable premises to take advantage of the relaxing and reopening of certain business types.
- 5.4 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.
- 5.5 The focus in the last quarter has been to target new business registrations and interventions remotely which has been successful and is Green. Official controls via remote inspections have been undertaken in all high-risk premises (A and B) bar one which was due to Covid 19, however all premises will require a shortened physical visit in due course.
- 5.6 Appendix 2 refers to the unplanned (reactive) work undertaken by the service. The number of customer complaints and service requests is driven by demand which has been reduced due to the current situation, 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
- 5.7 The food hygiene training programme has now been suspended but there is a commitment by the team to re-establish these as soon as possible.

5.6 The Health and Safety Service Plan would normally contain a mixture of programmed work, reactive work and the provision of compliance information and advice. However as planned inspections have also been suspended due to Covid 19 and work has only been reactive, which due to the number of business closures has been limited. The reopening of a range of businesses from June 2020 has led to queries around social distancing which is expected to occupy most of our Health and Safety work for the foreseeable future.

5.7 During Covid the main health and safety queries have been around social distancing in the workplace, which has resulted in a steady stream of advice being given by the team, at the time of writing the report the food and licensing teams have dealt with over 200 complaints and/or requests for advice.

5.8 The team have been heavily involved in producing guidance and information relating to reopening our town centres, providing guidance for Food business reopening, along with businesses such as Barbers, Tattooists, Nail bars etc

5.9 Further work has and continues to be done around track and trace work as required.

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)

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

Proactive Tasks	Level of Activity		Progress
	Predicted activity 2020-21	Recorded activity 1 April 2020 – 30 June 2020	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	409	4	RED
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	106	0	RED
Revisits	20	0	RED
Inspections of or visits to new food businesses	130	81	GREEN
Visits to Approved Establishments	6	0	RED
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training	2hrs	0	RED
Other proactive visits (food, water and environmental samples/advisory)	100	0	RED
Prosecutions and cautions	2	0	AMBER
Formal action (service of notices, closures)	10	0	AMBER

- 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. There has been a significant upsurge in new businesses that have during Covid lockdown been subject to remote inspections that will require a physical visit once Government guidelines change*
- 2. The Q1 statistics reflect the Food Standards agency instruction that all food safety inspection have been put on hold and remote inspections of high risk premises only should be conducted.*
- 3. Food safety inspections during Q1 have all been conducted remotely and will still require a real time inspection.*

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

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2020-21	Recorded activity 1 April 2020 – 30 June 2020	RAG Status
Complaints and service requests about food and about/from food businesses ¹	550	102	GREEN
FHRS re-score requests	30	1	RED
Food, water and environmental samples taken	25	0	GREEN
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	12	GREEN
FSA food alerts for action	2	0	GREEN

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Table 1 – Health and Safety Activity

Activity	Level of activity		
	2019-20 (Actual)	2020-21 (Estimated)	2020-21 Actual
Premises inspections and interventions (including revisits and remote inspections)	12	10	2
Health and safety complaints and requests for service *	60	75	H&S general 4 Covid related complaints 45 Advice re-opening 7
Accident and dangerous occurrence investigations commenced **	24	30	5
Specific smoke free enforcement visits***	0	0	0
Matters of Evident Concern (MEC)****	23	30	0
Health and safety promotion and advice to business/enquiries	e.g. provision of training courses, development of newsletter, leaflets, website, educational initiatives (in addition to those identified in “interventions”)		
Liaison with other organisations	Five meetings of the Cambridgeshire and Peterborough Food and 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.

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Public Spaces Protection Order- Dog Control
Meeting/Date:	Licensing and Protection Committee - 30 th September 2020
Executive Portfolio:	Executive Councillor for Community Resilience and Well-Being.
Report by:	Operational Manager (People).
Ward(s) affected:	All .

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to local authorities to introduce Public Spaces Protection Orders (PSPOs) to control a range of issues linked to anti-social behaviour, including the control of dogs. As a result, in 2017 all previous Dog Control Orders were converted to a new single PSPO. As PSPOs last for a period of 3 years, authorisation is now required for this PSPO to remain in place for a further 3 years, to October 2023.

Although the vast majority of dogs cause no problems and the vast majority of dog owners look after their pets in a responsible manner, the control of dogs remains a significant issue to the public, consistently featuring as a significant complaints issue. A consultation exercise was undertaken as part of the renewal process and the responses were strongly in favour of the Council retaining the current dog control measures.

As such, this report recommends retaining the current PSPO which sets out a number of proportionate controls which apply across the whole District and a set of additional controls which only apply to specified locations, as detailed in the report.

Recommendations:

The Licensing and Public Protection Committee is recommended:-

- i. to approve the making of a new Public Spaces Protection Order covering the control of dogs, as detailed in Appendix 1 to this report; and**

- ii. **to delegate authority to the Chief Operating Officer, in consultation with the relevant Executive Councillor to make minor amendments to the conditions and scope of the PSPO.**

1. PURPOSE OF THE REPORT

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 came into effect in October 2014. Among its provisions was the replacement of a series of previously-enacted Orders, including Dog Control Orders, with a new wide-reaching order, the Public Spaces Protection Order (PSPO).
- 1.2 In 2017, a Dog Control PSPO was introduced in Huntingdonshire, replacing all the previous Dog Control Orders. As PSPOs last for a set period of 3 years, this PSPO must now be either authorised for a further 3 year period or allowed to expire. This report seeks authorisation to renew the PSPO for 3 years to October 2023.

2. WHY THIS REPORT IS NECESSARY

- 2.1 Although it is recognised that the vast majority of dog owners are responsible and control their pets appropriately, the control of dogs remains an issue of concern to the public. The Council receives a significant number of complaints related to dog control, including reports of dog fouling, stray dogs, dogs off leads and dangerous dogs. This indicates that the Council requires the means to control these issues and to take appropriate enforcement action should this be necessary.
- 2.2 It is considered that the current PSPO has been a valuable enforcement and prevention tool. The number of complaints related to dog control has fallen significantly since it came into force- although it is obviously difficult to definitively evidence “cause and effect” in this. In the 2 years prior to its introduction the Council received in excess of 1,000 complaints relating to various dog control issues. In the 3 years since its introduction there have been a total of 707 complaints, with only 8 requiring the issuing of fines via fixed penalty notices. Enforcement Officers have noted that the presence of the Order provides a robust footing for them to engage with members of the public who may benefit from words of advice and encouragement in assisting them to control their pets effectively.
- 2.3 Best practice dictates that proposed PSPOs are proportionate to the problems being experienced and contain conditions which are likely to be effective without placing undue restrictions on the general public who are going about their legitimate business and are not causing concern or anti-social behaviour. Best practice also dictates that appropriate consultation takes place with those who may be affected.
- 2.4 This report provides feedback from the statutory consultation process which has recently been carried out and proposes retaining the existing principles and control measures in a new PSPO.

3. OPTIONS CONSIDERED

3.1 The current PSPO imposes the following conditions:-

- A requirement to place dogs on lead upon request by an authorised officer. This applies to the whole District;
- A requirement to keep dogs on leads at all times. This only applies to road carriageways and verges with speed limits of 40mph or less and a list of specifically designated locations;
- A dog exclusion requirement. This applies to enclosed areas designated by description, including all fenced-in children's play areas, bowling greens, croquet lawns, tennis courts, sporting or recreational facilities which are signed as dog exclusion areas and a list of specifically designated locations;
- A requirement for dog faeces to be picked up and taken away or disposed of in a suitable bin. This applies to the whole District; and
- A requirement on persons in control of dogs to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer. This applies to the whole District.

3.2 The current Dog Control PSPO will cease in October 2020, having been in place for 3 years. It would be possible for the Council to adopt a "do nothing" position and allow the PSPO to expire. This is not considered desirable because of the potentially serious impact which a small number of irresponsible or inconsiderate dog owners could have on the wider community.

4. CONSULTATION ON DOG CONTROLS

4.1 In order to implement a PSPO, the Council is required to carry out a consultation exercise giving a group of statutory consultees as well as individuals who may be affected the opportunity to make representations.

4.2 As such, a consultation exercise has been undertaken, largely by means of an on-line survey which asked questions about experiences with dog control issues, the underpinning principles of the proposed PSPO and the detail of the proposed controls. The survey was publicised on local social media and on the Council's web site. In addition to the on-line survey, the statutory consultees (the Police and Crime Commissioner and the Police Chief Constable) and all Town and Parish Councils in the District were contacted and offered the opportunity to comment.

4.3 Interim results of this survey have shown strong support for the controls included in the PSPO. A presentation to the Committee meeting will outline the final results of the on-line survey. The questions asked in the survey are attached at Appendix 2, for information.

4.4 The proposed PSPO was fully endorsed by both the Police and Crime Commissioner and the Police Chief Constable. Written responses were received from 6 Parish Councils, all of which were supportive of the retention of the PSPO.

5. PROPOSED PUBLIC SPACES PROTECTION ORDER

- 5.1 It is evident that the vast majority of dog owners are responsible individuals who control their pets and behave in a law abiding manner. It is essential that, in developing dog controls, that the impact upon the majority is minimised and that the irresponsible minority are targeted in a fair and proportionate manner.
- 5.2 As such, in light of the consultation exercise and considering the history of dog controls already in place in the District, it is recommended that the following conditions be retained under a new PSPO:-
- The PSPO applies to the whole of Huntingdonshire, with general conditions covering the whole District and additional conditions to apply only in specified locations;
 - The conditions of the PSPO will not apply to guide dogs or assistance dogs, within defined criteria;
 - A District-wide condition requiring dog faeces to be picked up and taken away or disposed of in a suitable bin;
 - A District-wide condition requiring persons in control of dogs to be required to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer;
 - A District-wide condition requiring dogs to be placed on a lead upon request by any authorised officer;
 - A condition requiring dogs to be kept on a lead at all times in specified locations - no change is proposed to the specified locations; and
 - A condition stating that dogs are not allowed in specified locations - no change is proposed to the specified locations.
- 5.3 The proposed wording of the PSPO is attached as Appendix 1 to this report. This lists all locations to which specific controls apply, i.e. those over and above the general District-wide conditions.
- 5.4 If deemed necessary, this order can be supplemented at a later time by placing additional conditions on specified areas or by adding new designated areas, should these be required in response to locally evidenced issues, subject to a formal consultation. As previously, the PSPO lasts for a maximum of 3 years, so a full review will be required at that time, in October 2023.

6. KEY IMPACTS / RISKS

- 6.1 The key risk relating to this issue relates to the fact that, in the absence of such an Order, the proportionate control of dogs will be extremely problematic. The making of a new PSPO will mitigate this risk.

7. TIMETABLE FOR IMPLEMENTATION

- 7.1 As required under the Anti-Social Behaviour, Crime and Policing Act 2014, if the Committee agrees to the implementation of a new PSPO, it will have to be publicised for a period of 20 days before it comes into

force. As such, the proposed PSPO has been drafted to come into effect on 20th October 2020.

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

- 8.1 Placing effective controls on dogs and irresponsible dog owners links to the strategic priority of Enabling Communities, specifically to the work programme objectives of “ensuring that our streets and open spaces are clean and safe”, “working closely with partners to reduce crime and anti-social behaviour” and providing and protecting quality green space and community facilities within new developments”.

9. LEGAL IMPLICATIONS

- 9.1 The power to issue PSPOs is contained in the Anti-Social Behaviour, Crime and Policing Act 2014. The Act requires consultation with parties likely to be affected by a new PSPO. The Act includes the Police and Police Authority as statutory consultees.
- 9.2 If a new PSPO is enacted, it will remain in place for a period of up to three years, after which time it will lapse unless renewed. There is no limit to the number of times a PSPO can be renewed. Each renewal will require consultation and formal approval.
- 9.3 If a new PSPO is not enacted it will lapse if not formally renewed at that time.

10. RESOURCE IMPLICATIONS

- 10.1 The District-wide restrictions can be advertised, as they are currently, by the use of sticker signs displayed on lamp columns under an ongoing agreement with Balfour Beatty. Existing stickers are in stock that advertise the requirement to remove faeces, the requirement to have dogs on leads and the exclusion of dogs. Stocks of these will continue to be maintained from existing Community budgets.
- 10.2 Targeted, intelligence-led enforcement activity will continue to be carried out by officers from the Community Protection and Enforcement team, which deals with a wide range of environmental enforcement issues. The officers in this team are specifically trained in carrying out enforcement activities in a sensitive and proportionate manner and are fully briefed on the need to enforce against wilful anti-social behaviour rather than accidental or justifiable breaches.

11. EQUALITIES IMPACT ASSESSMENT

- 11.1 In drafting the proposed PSPO, equalities issues have been considered and the existing Equalities Impact Assessment reviewed. No data exists on the proportion of dog owning residents locally who fall within the protected characteristics of the Equality Act 2010. However, it is considered that the PSPO will have no negative impact on all but one of the protected characteristics. It is considered possible that the PSPO conditions have the possibility to impact adversely on people with

disabilities who rely upon assistance dogs. This possibility has been mitigated by the specific exclusion of persons in control of assistance dogs from the scope of the order.

12. REASONS FOR THE RECOMMENDED DECISIONS

12.1 The proposed PSPO is considered to be an appropriate and proportionate response to the dog control issues which are being experienced in the District. The proposals have been strongly supported in the statutory consultation. Implementing this PSPO will give a robust framework for future enforcement in this priority area.

13. LIST OF APPENDICES INCLUDED

1. Proposed Dog Control Public Spaces Protection Order.
2. Details of the consultation exercise.

14. BACKGROUND PAPERS

None.

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HUNTINGDONSHIRE DISTRICT COUNCIL

PUBLIC SPACES PROTECTION ORDER (Dog Control) 2020

The Order

Huntingdonshire District Council ('the Council') in exercise of its powers pursuant to Section 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') hereby makes the following Order ('the Order') :

1. This Order shall come into operation on **20 October 2020** and shall have effect for a period of 3 years from that date.

The areas to which the Public Spaces Protection Order (PSPO) applies:

2. This Order relates to the areas (land to which this Order applies) within the administrative District of Huntingdonshire, as shown on the attached maps, and applies to all the land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
3. For the purposes of this Order, any land which is covered is deemed to be land which is "open to the air" if it is open to the air on at least one side.

Persons who the order applies to

4. For the purposes of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
5. Nothing in this Order applies to a person who is in charge of:
 - a. an assistance dog which has been trained to guide a blind person;
 - b. an assistance dog which has been trained to assist a deaf person;
 - c. an assistance dog which has been trained to assist a person who has a disability who has a disability of epilepsy or otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; or
 - d. an assistance dog which has been trained to assist a person who has a disability (other than one described above) of a prescribed kind.
6. For the purposes of the Order, a "disability" means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and an "assistance dog" has the meaning given by the Equality Act 2010

Impact of the Order

7. The effect of this Order is to impose the following prohibitions and requirements on land to which this Order applies, specified as follows:

Dog faeces to be picked up and taken away or disposed of in a suitable bin

8. In all land to which this Order applies, specified in Schedule 1 to the Order, if a dog defecates at any time on any part of the land, a person who is in charge of the dog at that time and who fails to remove the faeces from the land forthwith, shall be guilty of an offence unless:
- a. he has a reasonable excuse for failing to do so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
9. For the purposes of this Order:
- a. placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - b. being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Persons in control of dogs to be required to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer

10. In all land to which this Order applies, specified in Schedule 1, a person who is in charge of the dog shall, on instruction by a constable or authorised officer of the Council, demonstrate to the satisfaction of the constable or authorised officer that he has in his possession a device for or other suitable means of removing the dog's faeces.

Dogs to be placed on a lead upon request by any authorised officer

11. In all land to which this Order applies, specified in Schedule 1, a person in charge of a dog shall be guilty of an offence if, at any time, he does not comply with a direction given to him by a constable or authorised officer of the Council to put and keep the dog on a lead of not more than 2 metres in length unless:
- a. he has a reasonable excuse for failing to do so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

12. A constable or authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.
13. In this Order 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Huntingdonshire District Council (the Council).

Dogs to be kept on a lead at all times in specified areas

14. In any land to which this Order applies, as specified in Schedule 2, a person in charge of a dog shall be guilty of an offence if, at any time, he does not keep the dog on a lead of not more than 2 metres in length, unless:
 - a. he has a reasonable excuse for doing so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Dogs to be excluded at all times in specified areas

15. In any land to which this Order applies, as specified in Schedule 3, a person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on to any part of the land unless:
 - a. he has a reasonable excuse for doing so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Enforcement of the conditions of this Order

16. It is an offence for a person without reasonable excuse to do anything prohibited by this Order, or to fail to comply with a prohibition or requirement to which a person is subject to pursuant to this Order.
17. A Police Constable, a Police Community Support Officer or an 'authorised person' may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.
18. An 'authorised person' and 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Huntingdonshire District Council (the Council). A constable means a Police Constable in whatever capacity.

19. A person found to be in breach of this Order is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00); or to be made subject to a FPN of £100.00.
20. The Council is satisfied that the conditions set out in Sections 59 and 72 of 'the Act' have been met: that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this notice. The Council believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
21. Any interested person (an individual who lives or regularly visits or works) in land to which this Order applies who desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which this Order is made.

[Date] Sealed as Deed on behalf of Huntingdonshire District Council

the Common Seal being affixed in the presence of and signed by:

Authorised Signatory

Schedule 1 - the areas subject to the conditions: (1) Dog faeces to be picked up and taken away or disposed of in a suitable bin; (2) Persons in control of dogs to be required to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer; (3) Dogs to be placed on a lead upon request by any authorised officer.

The entire administrative district of Huntingdonshire.

Schedule 2 - the areas subject to the Dogs On Leads condition

Land Designated by Description

All road carriageways with a speed limit of 40 mph or less and adjoining footpaths and verges.

AND

Land Designated Specifically

Eaton Ford- Riverside Park, St Neots Road, Eaton Ford, St Neots: That part of the lands situated to the south of St Neots Road and west of the River Great Ouse and excluding those fenced areas which contain children's play equipment.

Eaton Ford- Sudbury Meadow, Crosshall Road, Eaton Ford, St Neots: That part of the lands situated to the north of Cavendish Court which abuts Crosshall Road and with the north and west boundary being dense tree/fence lined.

Hartford- Hartford Meadow, Church Lane, Hartford, Huntingdon: That part of the lands known as Hartford Meadow situated between Church Lane and the River Great Ouse, Huntingdon.

Hartford- Marylands Avenue, Hartford, Huntingdon: The whole of the park excluding the area which is fenced and contains children's play equipment.

Houghton- Houghton and Wyton Playing Fields, Houghton. All of the area of land known as Houghton and Wyton Playing Fields, bounded by St Ives Road, Victoria Crescent, Laughtons Lane and the A1123.

Huntingdon- Riverside Park, Riverside Road, Huntingdon: That part of the lands situated to the south of the tree/fence line commencing from a point opposite East Street, leading from Hartford Road to the River Great Ouse and with the southern boundary being opposite the Bridge Hotel with the River Great Ouse to one side and River Road/Hartford Road to the north-west, excluding those fenced areas which contain children's play equipment.

Huntingdon- Hinchbrook Country Park, Hinchbrook Park Road, Huntingdon: That part of the park known as the Wildlife Area consisting of the western part of Bob's Wood and including the triangular plantation to the south of the area. This area lies to the west of a track running north-north-east from a

point 250 metres to the west of the Visitors Centre. It is bounded on the north by a housing estate and on the west by a fence.

St Ives- Wilhorn Meadow, London Road, St Ives: The land situated to the east of Bridge Terrace and west of the River Great Ouse, St Ives.

Little Paxton- Playing Fields, High Street, Little Paxton: The whole of the playing field including the access road and car park, excluding the area which is fenced and contains children's play equipment.

Schedule 3 - the areas subject to the Dogs Exclusion condition

Land Designated by Description

All lands within the Council's administrative area that is fenced and/or hedged and/or walled and signed at the entrance as a "dogs exclusion area" (whether the sign uses these particular words or words and/or symbols having like effect) and comprises of: children's play areas; bowling greens; croquet lawns; tennis courts; sporting or recreational facilities; skateboard parks; cycle enclosures; putting greens; or parks.

AND

Land Designated Specifically

Bluntisham- The Bluntisham Recreation Field:- All land within the area bounded by Colne Road and Mill lane, known as the Bluntisham Recreation Field but not including that part of the playing field which is fenced and contains children's play equipment or the fenced and/or hedged area designated as a dog walking area.

Eaton Ford- Playground, River Road, Eaton Ford, St Neots: That part of the park situated to the south of the Indoor Bowling Club, off River Road, which is fenced and contains children's play equipment.

Eaton Ford- Playground, Riverside Park, St Neots Road, Eaton Ford, St Neots: That part of the park adjoining the main St Neots Road which is fenced and contains children's play equipment.

Eynesbury- Playground, Coneygeare Park, Hardwick Road, Eynesbury, St Neots: That part of the park situated to the north east of the car park which is fenced and contains children's play equipment.

Hartford- Playground, Marylands Avenue, Hartford, Huntingdon: That part of the park which is fenced and contains children's play equipment.

Hartford- Playground, Sapley Road, Hartford, Huntingdon: That part of the park which is fenced and contains children's play equipment.

Huntingdon- Town Park, Brookside, Huntingdon.

Huntingdon - Playground, Nursery Road, Huntingdon: That part of the park which is fenced and contains children's play equipment.

Huntingdon – St John's Churchyard, High Street, Huntingdon.

Huntingdon - Playground, Riverside Park, Riverside Road, Huntingdon: That part of the park adjoining the main car park off Harford Road which is fenced and contains children's play equipment.

Somersham- The Millennium Sports Field, the Trundle, Somersham.

Somersham- Norwood Playing Field: All land within the area bounded by Parkhall Road, The Trundle, Ditchfields, The Green, Green End Walk and Coronation Avenue known as the Norwood Playing Field but not including that part of the playing field which is fenced and contains children's play equipment.

St Ives- Holt Island, Church Street, St Ives: That part of the island lying south of the Sea Scouts Headquarters facing towards the bridge, St Ives.

St Neots - Playground, Priory Hill Park, Priory Hill Road, St Neots: That part of the park adjoining the southern boundary of the park which is fenced and contains children's play equipment.

Warboys- Adam Lyons Playing Field, Church Road, Warboys

Huntingdonshire District Council Dog Control PSPO Survey

In what capacity are you replying to this consultation?

- Private individual
- Representing a business
- Representing an organisation

Are you a dog owner?

- Yes
- No

Are you any of the following?

- Veterinary professional (any capacity)
- Dog Walker
- Kennel owner
- None of these

Have you, or a member of your family, or someone you know had any problems regarding dog control in the past year?

- Yes (me)
- Yes (a member of my family)
- Yes (someone I know)
- No

If you answered Yes, was this related to any of the following?

- Dog fouling
- Dog running out of control
- Dog barking
- Dog off lead in a controlled area
- Dog attack on a dog or other pet animal
- Dog loose in children's play area
- Threatened by a dog's behaviour
- Stray dog
- Dog attack on a person
- Other

Do you think that Huntingdonshire should implement an order covering some aspects of dog control?

- Yes
- No

Do you think an order controlling dogs should cover the whole of Huntingdonshire or be limited to specific areas?

- All conditions to cover the whole of Huntingdonshire District
- Some conditions everywhere, others in specific areas
- Conditions only in specified areas
- No controls in any areas

Do you think that dog owners should be required to pick up and remove

their dog's faeces (poo)?

Yes, everywhere in Huntingdonshire

Only in specified areas

No

Do you think that dog owners should have to carry something with them to pick up their dog's faeces (poo) at all times?

Yes, everywhere in Huntingdonshire

Only in specified areas

No

Do you think that dogs should be on a lead at all times?

Yes, everywhere in Huntingdonshire

Only in specified places

No

Do you think that dogs should be banned from some places, like enclosed children's play areas?

Yes

No

Do you think that Council officers should be able to instruct dog owners to put their dog on a lead?

Yes, everywhere in Huntingdonshire

Only in specified places

No

Do you think that the Council should introduce any other dog control measures?

Yes

No

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HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Suspension & Revocation of Hackney Carriage & Private Hire Licences.

Meeting/Date: Licensing and Protection Committee – 30th September 2020

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services – Cllr Mr K Prentice

Report by: Licensing Team.

Ward(s) affected: All.

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	Outcome
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.	No appeal made
27.04.2020	Hackney Carriage/Private Hire Driver licence [new applicant]	Refused	Failing to declare motoring conviction. Deemed to be unfit due to	No appeal made

			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	Suspension removed on 05.06.2020
28.04.2020	Hackney Carriage/Private Hire Driver licence [new applicant]	Refused	Failing to declare motoring conviction. Previous criminal convictions Pattern of offending over an 18 year period.	No appeal made
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.	No appeal made
24.05.2020	Hackney Carriage/Private Hire Driver licence [new applicant]	Refused	Failing to declare a previously used name. Failing to declare five previous criminal convictions.	No appeal made

3.0 Outstanding matters

3.2 The following licensing decisions from previous reports are still awaiting a court date:

Date of original HDC decision	Licence type	Result
23.08.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [New applicant]	Appeal hearing still pending
08.11.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [Renewal applicant]	Appeal hearing still pending
28.11.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [Renewal applicant]	Appeal hearing still pending
19.12.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [New applicant]	Appeal hearing still pending
27.02.2020	Revocation of 3X Private Hire Vehicle Licences [Same licence holder]	Appeal hearing still pending
17.03.2020	Review of a Hackney Carriage/Private Hire Driver Licence [Current licence holder]	Appeal hearing still pending
24.03.2020	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [Renewal applicant]	Appeal hearing still pending

5. RECOMMENDATION

5.1 Members are requested to note and consider the above information

Contact Officer: Licensing Team
licensing@huntingdonshire.gov.uk

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