

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in the **COMMITTEE SUITE, BURGESS HALL, WESTWOOD ROAD, ST IVES PE27 6UW** on **WEDNESDAY, 22 SEPTEMBER 2021** 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 30th June 2021.

Contact Officer: Democratic Services - (01223) 752547

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 - (01223) 752547

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

To consider the monitoring report on the delivery of the Service Plans for the period 1 April to 30th June 2021.

Contact Officer: M Bebbington - (01480) 387075

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES - DECISIONS UNDER DELEGATED AUTHORITY (Pages 19 - 22)

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

14th day of September 2021



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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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.

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 in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 30 June 2021

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, J R Clarke, Mrs A Dickinson, Mrs S A Giles, Mrs P A Jordan, L W McGuire, D J Mead and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors K I Prentice and Mrs P E Shrapnel.

4 MINUTES

The Minutes of the meetings held on 10th March and 19th May 2021 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 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 made against the delivery of work on the Council's Food Law Enforcement and Health and Safety Plans during the period 1st January to 31st March 2021.

The Committee were advised that the period had once again been dominated by the current Covid-19 Pandemic, the national lockdown and the continued restrictions on inspections by the Food Standards Agency (FSA). This had resulted in only 87 planned food hygiene inspections taking place out of a predicted target of 550 by the end of the year.

In terms of the delivery of the Food Law Enforcement Plan, the Committee were advised that the programme of physical food safety inspections was now scheduled to recommence on 5th July 2021 and a plan of action to address the backlog was now in place, targeting Category A and B premises and those risk rated premises that were identified in lockdown. A broader programme of inspections would be developed once the FSA had provided clearer direction.

With regards to the proposed recovery plan for Food Safety Inspections, the Committee were advised that this had now been agreed with the Food Standards Agency and it was anticipated that it would take within the region of 18 months to

two years to catch up, subject to there being no further lockdowns. On a positive note, Members were pleased to note that the Environmental Health team was now fully resourced for the first time in 5 years.

In relation to the delivery of the Health and Safety Service Plan, Members were advised that due to the suspension of planned inspections work in this area has been predominately reactive. In general terms, health and safety work had increased significantly during the last year and was expected to remain high for the foreseeable future due to Covid 19. In response to a question concerning the increase in notifications of and investigations into accident and dangerous occurrences, the Committee were advised that the majority would have been related to Covid 19.

Whereupon, it was

RESOLVED

that progress on the delivery of the two Service Plans for the period 1st January to 31st March 2021 be noted.

7 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

With the assistance of a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee considered the contents of a revised draft Hackney Carriage and Private Hire Licensing Policy for public consultation.

The Committee were advised that the current policy had been approved in 2018 at which time it had been agreed that it should be reviewed after a period of three years. The current review had taken into account changes to Government issued guidance and was intended to provide clarification / improvements in particular areas.

The Committee's attention was drawn to the proposed changes as set out in the Executive Summary to the report and were advised that the main change was the proposed introduction of a penalty points system designed to address lower level enforcement functions. This was the subject of a separate report on the Agenda.

Members were advised that it was intended that a public consultation exercise be undertaken, which would commence on the 2nd July 2021 and conclude on 17th September 2021. After which time a further report would be submitted to the Licensing and Protection Committee.

In reviewing the proposed changes to the policy and in light of a recent individual case considered by the Chairman of the Committee, it was agreed that further consideration should be given as part of the consultation exercise to those motoring offences involving an excessive breach of the speed limit and their potential for classification as a more serious offence within the scope of the policy.

The Committee went on to discuss the support and guidance which is provided by the Licensing Team to prospective and current drivers and operators. Whilst

he was not aware of any general training, the Acting Operational Manager (Business) was optimistic that the return of individual appointments to assist with the completion of application forms, together with a future move to an online system for applications would improve applicant understanding of the application requirements.

In terms of driver standards and in response to the comments of Committee Members, the Committee were reminded of the current requirements for prospective drivers to pass a medical, knowledge and competency test, an enhanced Disclosure and Barring Service check and a safeguarding course prior to be granted a Hackney Carriage and Private Hire Driver's licence.

Whereupon it was

Resolved

- (a) that the draft Hackney Carriage and Private Hire Licensing Policy as attached as an appendix to the report be approved for public consultation;
- (b) that the Acting Operational Manager (Business) be authorised to make any amendments to the draft policy that are considered necessary as a result of any comments from the public consultation exercise, or arising from any further legislation or guidance received during the drafting period; and
- (c) that the revised draft be presented to the Licensing and Protection Committee for approval on 1 December 2021, with a view to implementation with effect from a date no later than 1 January 2022.

8 LICENSING: PENALTY POINTS SCHEME

With the assistance of a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee considered a draft penalty point scheme which it was proposed to include within the overall Hackney Carriage and Private Hire Licensing Policy for public consultation.

The Committee were advised that the introduction of a penalty points system was intended to address lower level enforcement functions where suspension or revocation was not considered appropriate to the severity of the offence. The proposal also supported the recently issued Department for Transport Statutory Guidance in 2020 and was intended to raise standards by ensuring that enforcement is consistent, proportionate and understood by all.

Public consultation on the proposed penalty points scheme would commence on the 2nd July 2021 and conclude on 17th September 2021. After which time a further report would be submitted to the Licensing and Protection Committee.

In terms of the operation of the proposed scheme, members were advised that penalty points would be issued for minor offences to a licensee, in accordance with the schedule attached at Appendix A. Once a licensee had accrued a maximum set, they would be subject to formal disciplinary procedures which may include suspension, revocation or referral to the Licensing and Protection Sub-

Committee. Following a question from the Chairman, it was confirmed that it was proposed that the maximum set of penalty points should be set at 12.

Clarification having been sought as to the period over which the penalty points would remain in force on a licence, the Committee were informed that the proposal was for a 12-month rolling period. Whilst this appeared to be the period utilised by other authorities who had adopted similar schemes, comments on this could be sought as part of the public consultation.

In terms of the specific offences which formed part of the scheme, clarification was sought as to the arbitrator in those cases in which an alleged offence was disputed. The Committee were informed that the award of penalty points would in all cases need to be agreed with the perpetrator, but an escalation approach and an appeal process had been built into the scheme. Clarification was also sought and provided on the action which the Authority would take should a licensee be found to be committing a criminal offence.

Whereupon, it was

RESOLVED

- (a) that the draft penalty points scheme as attached as an appendix to the report be approved for public consultation;
- (b) that the Acting Operational Manager (Business) be authorised to make any amendments to the draft policy that are considered necessary as a result of comments received from the public consultation exercise, or arising from any further legislation or guidance received during the drafting period; and
- (c) that the revised draft be presented to the Licensing and Protection Committee for approval with a view to implementation with effect from a date no later than 1 January 2022.

9 HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES - DECISIONS UNDER DELEGATED AUTHORITY

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 their last meeting under delegated authority.

In commenting on those cases which were listed as being referred to appeal, it was suggested that these might form the basis of some useful anonymised training exercises for members in due course.

10 REPRESENTATIONS ON EXTERNAL ORGANISATIONS

Following a recent vacancy, the Committee were invited to review the Council's representation on those organisations to which it appoints.

Whereupon, it was

RESOLVED

that Councillor M Haines be appointed as the Council's representative to the Warboys Landfill Local Liaison Committee for the period to 4th May 2022.

Chairman

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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 – September 2021
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 2021-22 were approved by Committee on 10 March 2021.

This monitoring report covers the Q1 figures from 1 April 2021 to 30 June 2021. 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 due to Covid and did not permit planned inspections to resume until Mid June 2021, so figures shown reflect only high risk inspections where an immediate reactive intervention was required

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:

Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 April to 30 June 2021.

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 2021 and 30 June 2021.

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 limited 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 New food business registrations, particularly home based continue to be received, these are being processed virtually to enable premises to take advantage of the relaxing and reopening of businesses from April 2021.
- 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 first quarter has been to target new business registrations and interventions which has been successful and moved from Amber to Green.
- 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 continue to prove volatile in 2021-22 as a result of Covid 19 due to most reports of food poisoning traditionally being from food consumed at home but a more predictable pattern is expected to emerge during Q2 and Q3 in line with previous years
- 5.7 The food hygiene training programme remains suspended but there is a commitment by the team to re-establish these as soon as possible once full staffing levels are in place during Q3 and Q4.
- 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 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 April 21 has led to queries around social

distancing which is expected to occupy most of our Health and Safety work for the foreseeable future.

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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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 2021 – 30 June 2021	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	492	4	RED
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	110	0	RED
	20	0	RED
Revisits	130	27	GREEN
Inspections of or visits to new food businesses		All remote	
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.*

Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2021-22	Recorded activity 1 April 2021 – 30 June 2021	RAG Status
Complaints and service requests about food and about/from food businesses ¹	550	115	GREEN
FHRS re-score requests	30	2	GREEN
Food, water and environmental samples taken	25	4	GREEN
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	0	GREEN
FSA food alerts for action	2	2	GREEN

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Appendix 3
Table 1 – Health and Safety Activity

Activity	Level of activity		2021-22 actual
	2020-21 (Actual)	2021-22 (Estimated)	
Premises inspections and interventions (including revisits and remote inspections)	12	10	1
Health and safety complaints and requests for service *	60	125	31
Accident and dangerous occurrence investigations commenced **	24	50	15
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, newsletter, leaflets Gov` t advice via website,		
Liaison with other organisations	No meetings of the Cambridgeshire and Peterborough Food and Safety Group in Q1		

* 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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HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Hackney Carriage and Private Hire Licences – Decisions under Delegated Authority.

Meeting/Date: Licensing and Protection Committee – 22 September 2021

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
12.04.2021	Private Hire Vehicle Licence	Suspended S68	Unfit following collision	Licence deemed revoked
12.04.2021	Hackney Carriage/Private Hire Driver Licence	Suspended S61 (1)	Unfit on medical grounds following collision	Suspension removed on 26.04.2021
12.04.2021	Private Hire Vehicle Licence	Suspended S68	Unfit following collision	Suspension removed 26.04.2021
23.04.2021	Private Hire Vehicle Licence	Suspended S68	Unfit following collision	Licence deemed revoked
30.04.2021	Hackney Carriage/Private	Revoked S61 (1) (a) (ii) & (b)	Unfit – DVLA Driving Licence revoked	

	Hire Driver Licence			
04.06.2021	Private Hire Vehicle Licence	Suspended 68	Unfit following collision	Licence deemed revoked
04.06.2021	Hackney Carriage Vehicle Licence	Suspended 68	Unfit following collision	Suspension Removed 11.06.2021
01.06.2021	Private Hire Vehicle Licence	Suspended 68	Unfit following collision	Suspension Removed 15.06.2021
03.06.2021	Hackney Carriage/Private Hire Driver Licence	Suspended 61	Unfit following collision	Suspension Removed as Fitness for Work received – 18.06.2021
09.06.2021	Hackney Carriage/Private Hire Driver Licence	Revocation S51 & 59 S61 (1) (b) & (c)	Disqualified from driving by Magistrates	No appeal made
10.06.2021	Hackney Carriage/Private Hire Driver Licence	Refused S51 & 59 S73 (1) (c)	Undeclared driving convictions	Appealed Decision

3. MATTERS TO BE TAKEN INTO ACCOUNT

3.2

Date of original HDC decision	Licence type	Result
24.03.2020	Refusal of a Hackney Carriage/Private Hire Driver Licence [Renewal applicant]	Appeal dismissed by Magistrates on 03.06.2021
02.11.2020	Refusal of an application to transfer a Private Hire Vehicle Licence	Appeal dismissed by Magistrates on 03.06.2021
02.02.2021	Refusal of Hackney Carriage/Private Hire Driver Licence [New applicant]	Appeal withdrawn by appellant
10.12.2020	Revocation of a Private Hire Operator	Appeal upheld by Magistrates on 17.05.2021

5. RECOMMENDATION

5.1 Members are requested to note and consider the above information

Contact Officer: Myles Bebbington, Licensing Team
licensing@huntingdonshire.gov.uk

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