

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, 10 November 2021

PRESENT: Councillors B S Banks, J R Clarke, Mrs A Dickinson, Mrs S A Giles, Mrs P A Jordan, L W McGuire, B M Pitt and R J West.

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

16 ELECTION OF CHAIRMAN

RESOLVED

that Councillor L W McGuire be elected Chairman of the Committee for the remainder of the Municipal Year.

Councillor L W McGuire in the Chair.

17 MINUTES

The Minutes of the meeting held on 22nd September 2021 were approved as a correct record and signed by the Chairman.

18 MEMBERS INTERESTS'

No declarations were received.

19 MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW AND HEALTH AND SAFETY SERVICE PLANS

With the assistance of a report by the Operational Manager (People) 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 July to 31st September 2021.

The Committee were informed that whilst performance had continued to be impacted by the ongoing Pandemic, the period had seen the return of a degree of normality with the reopening of businesses and the hospitality sector and the recommencement of full physical inspections for food hygiene businesses.

With regards to progress being made in the delivery of the Food Law Enforcement Service Plan, a Member commended on the number of food, water and environmental samples which had been conducted during the period. Members were informed this in part related to the ability of the team to visit the

sites and the reduced resources within the team had meant the priority had been given to food safety and food standards issues. Members were pleased to note that the service was now fully resourced which would address this issue.

Comment was also made with regards to the absence of any Alternative Enforcement Strategy inspections during the period and Members were informed that this was not an immediate concern given their low-risk status which could be assessed by alternative means. These would be followed up throughout the remainder of the year.

Having noted that the food hygiene training programme remains suspended, the Committee were informed that plans would be put in place to re-establish this programme now the Service was fully resourced. However, this may be impacted by the course of the ongoing pandemic.

Whereupon it was

RESOLVED

that progress on the delivery of the two Service Plans for the period 1st July to 30th September 2021 be noted.

20 TAXI LICENSING POLICY - PENALTY POINTS SYSTEM

Pursuant to Minute No. 21/8 the Committee received a report by the Operational Manager (People) (a copy of which is appended in the Minute Book) setting out a proposed Penalty Points System for inclusion with the District Council's Hackney Carriage and Private Hire Licensing Policy.

The Committee were informed that the proposal supports the recently issued Department for Transport Statutory Guidance and provides an opportunity to further enhance the District Council's current policies. It was intended to address lower-level enforcement functions where suspension or revocation was not deemed proportionate to the severity of the offence.

Members were advised that public consultation on the proposals had been undertaken between 19th July and 8th October 2021 and there had been no comments or representations received. It was confirmed that the maximum set of penalty points for minor offences would be set at 12, before a Driver, Vehicle Proprietor or Operator would be subject to more formal disciplinary proceedings.

In reviewing the proposals, the Committee discussed how the Policy would be utilised by Regulatory Officers employed by the District Council and emphasised the need for officers to be able to utilise their own discretion before issuing any penalty points. Members also noted that there would be a period of 21 days appeal period.

In response to a comment by a member regarding a specific problem currently being experienced in St Ives, Officers undertook to feedback to the Licensing Team for further investigation.

Having noted that it was proposed to implement the new scheme with effect from 1st January 2022, the Committee asked about the communications which would

be undertaken with drivers and operators in advance of this date. Members were assured that efforts would be made to communicate as widely as possible, with the Operators themselves being identified as a useful point of distribution to drivers. Copies would also be issued with all new applications.

Having noted the introduction of the new system would enable Officers to engage more effectively with those who were committing regular low level enforcement offences and having received feedback regarding the operation of the scheme at other authorities and as part of any Appeals process, it was

RESOLVED

- a) that the draft penalty points scheme as set out in Appendix 1 be approved for adoption and inclusion in the District Council's Hackney Carriage and Private Hire Licensing Policy (Annex 8); and
- b) that the Operational Manager (People) be authorised to make any minor amendments to the policy that are considered necessary as a result of any further legislation or guidance received during the policy period.

21 TAXI LICENSING POLICY

Pursuant to Minute No. 21/7 and with the assistance of report by the Operational Manager (People) (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 the District Council which had recently been subject to a period of public consultation.

Members were advised that public consultation on the proposals had been undertaken between 19th July and 8th October 2021 and overall, there had been a positive response to the proposed changes. Member's attention was drawn to the responses set out in Appendix 2 to the report and those issues raised as part of the consultation which were not recommended for inclusion at this time. These were set out, together with the reasons for non-inclusion in the Executive Summary to the report which were reviewed by Members and clarification was sought where necessary.

In reviewing the proposed policy document, Members commented on the fact that medicals were only required to be undertaken by drivers on application and then every 6 years. However, the Committee were reassured to note that should a drivers medical circumstances change during the period of the licence, they were required to notify the Licensing Authority within a period of 7 calendar days.

Following a question as to whether carbon emissions were considered as part of the licensing of vehicles, the Committee were informed there was no indication that the trade was moving towards the use of environmentally friendly vehicles (hybrid, electric or LPG). Reference having been made to the findings and recommendations of the Cambridgeshire and Peterborough Independent Commission on Climate, Members were informed that environmental issues were being considered on a wider basis across the authority with a view to renewing Huntingdonshire's Strategy for the Environment, which would set the wider agenda of the Authority and may introduce further changes in this area in due course.

Clarification was also sought and provided on the implications of Section 7.3 and 7.4 of the Relevance and Treatment of Convictions Section within the Policy. Members were also reminded that there was always the opportunity drivers to appeal to elected Members or the Magistrates Court if they were unsatisfied with a decision made by the Licensing Authority.

Having noted the intention to distribute copies of the revised policy to all operators in the new year and to make a copy publicly available on the District Council's website, it was

RESOLVED

- (a) that the draft Licensing Policy – Hackney Carriage and Private Hire Licensing Policy as attached as an Appendix to the report now submitted be approved for introduction from 1 January 2022; and
- (b) the Operational Manager (People) be authorised to make any minor amendments to the policy that are considered necessary as a result of any changes in Department for Transport guidance or legislative change during the term of the policy.

22 SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

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.

In reviewing those cases which had been referred to appeal, Members sought and received further information on both cases.

Chairman