

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in the **CIVIC SUITE (LANCASTER / STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 7 DECEMBER 2022** 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 28th September 2022.

Contact Officer: Democratic Services - (01480) 388169

2. MEMBERS INTERESTS

To receive from Members declarations as to disclosable pecuniary, other registerable and non registerable interests in relation to any Agenda Item. See Notes below.

Contact Officer: Democratic Services - (01480) 388169

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 Service Plans for the period 1st July to 30th September 2022.

Contact Officer: C Deeth - (01480) 388233

4. SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 19 - 20)

To consider a report on the actions which have taken place since the last meeting.

Contact Officer: Licensing - (01480) 387075

5. LICENSING AND PROTECTION SUB COMMITTEES (Pages 21 - 22)

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

Contact Officer: Democratic Services - (01480) 388169

29th day of November 2022



Head of Paid Service

Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests.

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

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Please contact Democratic Services, Tel: 01480 388169 / 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 in the CIVIC SUITE (LANCASTER / STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 28 September 2022

PRESENT: Councillor B S Banks – Chairman.

Councillors J Clarke, A E Costello, S J Criswell, S W Ferguson, S A Howell, A R Jennings, P Kadewere and C H Tevlin.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors M L Beuttell, P A Jordan and D Terry.

13 MINUTES

The Minutes of the meeting held on 29 June 2022 were approved as a correct record and signed by the Chair.

14 MEMBERS INTERESTS

No declarations were received.

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

With the assistance of a report by the Interim Community Services Manager, 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 April to 30th June 2022.

By way of introduction, the Committee were reminded that the Service Plans for 2022/23 had been adopted by the Committee at their last meeting in June 2022.

With regards to the programmed activity within the Food Safety Plan, the Committee were advised that the inspection programme for 2022-23 was being completed in line with the Food Standard Agency's Recovery Plan, Members were pleased to note that following a 'temperature check' in June 2022, all expectations set out in Phase 2 of the Recovery Plan had been met. Attention was now moving to inspections of 'Category C' premises and Members were advised that it was hoped to make progress in working through this backlog. Officers also reported that although progress against the Alternative Enforcement Strategy was currently at 'Red', this was not an immediate concern given the very low risk nature of these premises.

In reviewing this information, Members commented upon the decline in standards which was being seen as a result of the absence of food hygiene inspections during the pandemic which was leading to longer inspection times.

Although it was difficult to quantify the additional time which this was taking officers, further work could be undertaken to review this if required.

Questions were also raised with regards to the levels of predicted activity within the Plan for both Programmed Food Hygiene Inspections and Alternative Enforcement Strategy and the actions which were being taken to improve the RAG status of those tasks currently indicated as Red. Members were advised that the numbers were due to the suspension of the inspection programme during the pandemic and the requirements of the Food Standards Agency Recovery Plan.

Turning to the unplanned / reactive activities which had been undertaken within the quarter, the Committee were informed that the number of customer complaints and service requests had been slightly less than anticipated based on previous years. Officers had also been participating in the UK Health Security Agency's sampling study – 'Hygiene in Takeaway Sandwich and Salad bars', which was commended by a member of the committee. 'In person' food hygiene training courses had also returned, with one scheduled to take place in October 2022 subject to their being sufficient interest.

The Committee were advised that health and safety activity had been concentrated around the provision of advice to event organisers through the Safety Advisory Group. There had been a number of large events within the District during this period, which had taken a considerable amount of time. In addition, 10 health and safety accidents had also been investigated. It was now hoped to commence more targeted activities within the next quarter.

In concluding the discussion on this item, the Executive Councillor for Customer Services took the opportunity to remind members that resources within the service had been badly affected as a result of long-term serious illness and that the performance in a number of areas was a direct result of the implications of the Covid Pandemic. However, he was confident that performance would get back on track.

16 SCHEME OF DELEGATION UPDATE - PRIVATE HIRE DRIVER LICENCES

With the assistance of a report by the Interim Licensing Manager (a copy of which is appended in the Minute Book) the Committee considered a proposal to enable the Authority to issue separate Private Hire Driver's Licences.

By way of background, the Committee were advised that the Authority currently issue Dual Driver Licences which allows a driver to undertake both Hackney Carriage and Private Hire work. However, following the receipt of feedback from the Trade the Authority would like to also issue separate Private Hire Licences. The Committee were advised that applicants would still be required to undertake the same safety and security checks, the main difference being the level of knowledge test that is required. Attention was also drawn to Appendix A, in which it was proposed to amend the scheme of delegation to enable separate licences to be issued.

In considering the contents of the report and in response to questions arising from members, the Committee noted that it was the intention that application costs would be the same for both licences as they involved the same safety and

security checks. Clarification was also provided on the types of licence which had historically been provided. Following a question regarding the restrictions which would be in place on Private Hire Drivers, the Licensing Manager outlined the licensing requirements and the audits which were undertaken by the Licensing Team to ensure compliance.

Whereupon, it was

RESOLVED

that an updated scheme of delegation (Appendix A be approved to include the granting of a separate Private Hire Drivers Licence.

17 BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENCES

With the assistance of a report by the Interim Licensing Manager (a copy of which is appended in the Minute Book), the Committee received an update on the extension of the Business and Planning Act and the implications for the issue of Pavement Licences.

By way of background, the Committee were advised that the Business and Planning Act originally came into force in July 2020 and was intended to assist with the promotion of economic recovery and growth following the Covid-19 Pandemic. Pavement Licences allow business to place furniture, i.e. tables and chairs adjacent to their premises and the Act introduced a streamlined and cheaper route for businesses to secure a licence to place furniture on the highway.

Having noted that Parliament has made any extension to the current Act to enable the provisions to remain in place until September 2023, Members were also advised that Government were considering the permanent transfer of the administration and enforcement of Pavement Licences to the Local Authority. This had previously been a function of the County Council Highways Division. Although no further detail was available at this time.

Members were advised that the report sought approval for there to continue to be no fee charged for these applications until 30th September 2023 and for the original delegation concerning the determination of applications (Appendix A) to be further extended for the same period.

Arising from the report, Members queried how many pavement licences had been issued and were informed that there were currently eleven licences within the District. The Licensing Manager undertook to provide a breakdown of the location of these licences, which would be circulated to all members of the committee for information.

With reference to the ongoing cost of living and energy crisis's and the implications for local businesses who may be struggling, a member queried to what extent premises were aware of the ease and inexpensive of applying for a Pavement Licence. During the pandemic, such schemes had offered a lifeline to a number of businesses and with this in mind it was suggested that further efforts should be able to promote the application process. This was accepted by the Licensing Manager.

Whereupon and in welcoming the proactive approach which had been adopted, it was

RESOLVED

- (a) that the fee for applications remain at zero pounds for all licenses issued with an expiry date of 30 September 2023; and
- (b) the original delegation / decision notice agreed on 24th July 2020 (Appendix A) be further extended until 30th September 2023.

18 SUSPENSION & 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 during the period 14th July to 8th September 2022. Members were advised that due to the date of the offences, in some cases an outcome had not yet been achieved. There were currently no outstanding issues awaiting a decision from the Magistrates Court.

In reviewing the information within the report, clarification was sought and provided on the way in which suspensions were determined. Members were advised that the majority were determined on a case-by-case basis, taking into account the history of the driver, the circumstances of the case, the implications with regard to the District Council's Taxi Licensing Policy and relevant legislation. In cases relating to an accident, the suspension of a vehicle also enabled an operator to obtain an insurance vehicle whilst their vehicle was being repaired.

A member also commented that the actions taken within this report provided a clear message to the public and the taxi trade, that the Authority takes offences seriously. Whereupon, it was

RESOLVED

that the contents of the report be noted.

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 – 7 December 2022

Executive Portfolio: Executive Councillor for Customer Services – Cllr S Ferguson

Report by: Claudia Deeth – Interim Community Service Manager

Ward(s) affected: All

Executive Summary:

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2022-23 were approved by committee on 29 June 2022.

This report provides an update on the delivery of the Service Plans for Quarter 2.

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 Food Standards Agency permitted all planned food safety inspections to resume mid-June 2021 and activities are being completed in line with the Food Standards Agency Recovery Plan.

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

Recommendation(s):

The Committee is asked to review progress and provide any comments considered appropriate on the delivery of the two Service Plans for Q2.

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on the delivery of the two Service Plans for Q2 of 2022-23, the period 1 July 2022-30 September 2022.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 It is necessary to keep Members informed about the delivery of the work in the approved plans.

3. SERVICE AREAS COVERED BY THE REPORT AND ANALYSIS

- 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.

- 3.2 Appendix 1 and 2 provide details of the number of proactive and reactive activities that have taken place throughout the year compared to the number of activities predicted.

- 3.3 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); and
- The provision of compliance advice to businesses.

- 3.4 Appendix 3 provides details of the number of activities that have taken place throughout the year compared to the number of activities predicted.

4. KEY IMPACTS / RISKS

- 4.1 The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) 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 TAKEN AND PROGRESS AGAINST THE APPROVED PLANS

5.1 Food Safety Service Plan

5.1.1 The inspection programme for 2022-23 is being completed in line the FSA Recovery Plan which determines new business and highest risk businesses must be inspected first.

5.1.2 In Quarter 2 we continue with Phase 2 of the Recovery Plan with the key milestone this quarter being all establishments rated category C for hygiene and less than broadly compliant to have received an onsite intervention. On 30 September it was reported to the Food Standards Agency that there were 6 establishments rated Category C and less than broadly compliant that were overdue an inspection. These have now been inspected in Quarter 3.

5.1.3 A high number of new business registrations are still being received, this can include when an existing business changes hands or an entirely new business starting up. There are a small number of businesses registering but never starting to trade so their registrations are closed before they are inspected. In Quarter 2 there were 78 new business registrations and 71 remain open.

5.1.4 Appendix A shows that 191 inspections were achieved in Quarter 2 making a total of 315 in Quarters 1 and 2. This is a little behind the number required to achieve the predicted activity hence an Amber status. However, it should be noted that pre pandemic this is close to the number of inspections that would usually be due in a year.

5.1.5 Officers are continuing to find standards have declined where businesses have gone a number of years without inspection due to the pandemic, this is leading to longer inspection times. Similarly, the pressure put on businesses due to the cost-of-living crisis is also having an impact, we have had examples where boilers are being turned down to save money but this conflicts with relevant legislation.

5.1.6 One voluntary closure took place in Quarter 2. A voluntary closure is when the food business operator (FBO) agrees with the inspecting officer that a health risk condition exists and that they will close the business until the officer has approved that they can reopen. In this case the business has undertaken the necessary remedial work and reopened, subsequent formal action is being taken against the FBO in the form of a Simple Caution.

- 5.1.7 Appendix 1 shows that the alternative enforcement strategy is currently at red; this is not however an immediate concern as these are our very low risk premises therefore considered appropriate to be assessed by other means than visits. This work does not form part of the FSA Recovery Plan.
- 5.1.8 Appendix 2 refers to the number of unplanned, reactive activities undertaken. The number of customer complaints and service requests is driven by demand which can be unpredictable. In Q2 105 service requests were received which is slightly less than anticipated based on previous years.
- 5.1.9 Officers are continuing to participate in the UK Health Security Agency's sampling study which is why a higher number of samples have been taken than predicted. In Q2 the topic remained as 'Hygiene in Takeaway Sandwich and Salad bars' and covered sandwich, salad or component ingredients, swabs from ready to eat contact surfaces and cleaning cloths used in ready to eat areas. Where samples have raised concerns, additional visits have been undertaken to provide advice and guidance to businesses and further samples carried out to check for improvement in the required standard.

5.2 Health and Safety

- 5.2.1 As in Q2 the health and safety activity has been concentrated around health and safety advice given to event organisers through the Safety Advisory Group (SAG). This is an advisory body comprising key representatives from relevant organisations. Its purpose is to offer advice to event organisers to promote public safety at events within the district. There were a number of large events in the district over the summer months and officers took part in multi-agency pre-opening site visits.
- 5.2.2 During Q1 there has also been 6 accidents investigated and several other service requests responded too, these comprise both complaints from members of the public and businesses requesting advice as well as skin piercing registrations and notifications of defective lifting equipment.

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

- 6.1 These reporting arrangements support the corporate objectives which are:
- Enhance employment opportunities and supporting businesses
 - Supporting the needs of residents
 - Strengthening our communities

7. **CONSULTATION**

- 7.1 No consultations are 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. REASONS FOR THE RECOMMENDED DECISIONS

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

11. 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: Claudia Deeth – Interim Community Service Manager

Tel No: 01480 388233

Email: Claudia.Deeth@huntingdonshire.gov.uk

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

Proactive Tasks	Progress			
	Predicted activity 2022-23	Recorded activity Q2	Total activity 2023-23	RAG Status
Programmed food hygiene inspections (risk group A-D, new food businesses, FHRs scoring, ceased trading and closed premises inspections)	864 A-D 100 new	191	315	Amber
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	300	0	0	Red
Revisits	20	11	18	Green
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training	2 hrs	0 hrs	0 hrs	Amber
Other proactive visits (food, water and environmental samples/advisory)	100	15	23	Red
Prosecutions and cautions	2	0	0	Green
Formal action (service of notices, closures)	10	1 (voluntary closure)	1	Green

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Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Risk Monitoring			
	Predicted Activity 2022-23	Recorded activity Q1	Total activity 2022-23	RAG Status
Complaints and service requests about food and about/from food businesses	550	95	95	Green
FHRS re-score requests (low is good)	30	5	5	Green
Food, water and environmental samples taken	25	44	44	Green
Infectious disease control - notifications of food-borne/food poisoning illnesses (low is good)	80	0	0	Green
FSA food alerts for action	2	3	1	Green

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Appendix 3 – Health and Safety Activity 2022-23

Activity	Level of Activity		
	Predicted activity 2022-23	Recorded activity Q2	Total activity 2022-23
Premises inspections and interventions (including activities identified in Work Plan)	40	13	25
Health and safety complaints and requests for service (including advice to business/enquiries) *	100	23	46
Accident and dangerous occurrence investigations commenced **	30	6	16
Specific smoke free enforcement visits***	0	0	0
Matters of Evident Concern (MEC)****	3	2	8
Health and safety promotional activity	3	0	0
Liaison with other organisations	4	1	2

* 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. (The fewer the better)

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**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing and Protection Committee – 7 December 2022

Executive Portfolio: Executive Councillor for Customer Services – Cllr Stephen Ferguson

Report by: Michelle Bishop, Licensing Manager

Ward(s) affected: All.

1. INTRODUCTION

The Interim Community Services Manager 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 over the last 3 months.

2. REPORT

09.09.2022 to 25.11.2022

2.1

Date	Licence type	Decision	Reason	Comments
16.09.2022	Private Hire Vehicle	Suspended	Failed at the approved garage due to dangerous defects	
28.09.2022	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
10.10.2022	Private Hire Vehicle	Revoked	Vehicle not fixed within the 60 days as per section 68 of the LGMP Act 1976	
13.10.2022	Hackney Carriage	Suspended	Vehicle involved in an accident	

18.10.2022	Private Hire Vehicle	Suspended	Failed at the approved garage due to dangerous defects	
18.10.2022	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
21.10.2022	Dual Driver	Suspended	Information Marker on DBS - Ongoing investigation	
24.10.2022	Dual Driver	Revoked	9 DVLA points & failed to notify	
27.10.2022	Dual Driver	Revoked with immediate effect	CLPD regarding Drugs in a licensed vehicle Discussed and agreed with Licensing Chair/vice-chair	
27.10.2022	Private Hire Vehicle	Revoked with immediate effect	CLPD regarding Drugs in a licensed vehicle Discussed and agreed with Licensing Chair/vice-chair	
27.10.2022	Private Hire Vehicle	Revoked with immediate effect	CLPD regarding Drugs in a licensed vehicle Discussed and agreed with Licensing Chair/vice-chair	
28.10.2022	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
08.11.2022	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
18.11.2022	Hackney Carriage	Suspended	Vehicle involved in an accident	

3. MATTERS TO BE TAKEN INTO ACCOUNT

3.2 We currently have no outstanding licensing decisions that are awaiting a court date.

Date of original HDC decision	Licence type	Result
27.10.2022	Dual Driver and/or Private Hire vehicle	Possible Appeal – not heard anything official yet.

4. RECOMMENDATION

4.1 **Members are requested to note and consider the above information**

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

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing and Protection Committee – 7
December 2022.

Executive Portfolio: Executive Councillor for Customer Services –
Councillor S Ferguson

Report by: Elections and Democratic Services Manager

INTRODUCTION

The Licensing and Protection Sub-Committee comprising four Members of the Licensing and Protection Committee is convened when necessary to determine such matters in the case of an individual licence or application which has not been delegated to officers. Below is a summary of the meetings that have taken place since the last meeting of the Committee. Full Minutes are available on request.

Meeting Date	Chair	Case	Determination
13 October 2022	B S Banks	Review of a Hackney Carriage and Private Hire Licence.	Revoked

RECOMMENDATION

The Committee are invited to note the above information.

BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Sub-Committee

Contact Officer: Democratic Services Team – (01480) 388169

