

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in **CIVIC SUITE (LANCASTER / STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 27 SEPTEMBER 2023** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 5 - 8)

To approve as a correct record the Minutes of the meetings of the Licensing and Protection Committee held on 28th June 2023.

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. PUBLIC SPACES PROTECTION ORDER - DOG CONTROL (Pages 9 - 32)

To consider a report proposing the making of a new Public Spaces Protection Order for the Control of Dogs.

Contact Officer: R Mitchell - (01480) 388102

4. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS (Pages 33 - 42)

To consider the monitoring report on the delivery of Service Plans for Quarter 1.

Contact Officer: K Penn - (01480) 388302

5. BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENCES (Pages 43 - 50)

To consider a report by the Interim Licensing Manager concerning the issue of pavement licences under the Business and Planning Act 2020.

Contact Officer: M Bishop - (01480) 388785

6. SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 51 - 54)

To consider a report on the actions under the powers delegated by the Licensing and Protection Committee.

Contact Officer: Licensing Team - (01480) 387075

19th day of September 2023

Michelle Sacks

Chief Executive and 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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<p>Please contact Democratic Services, Tel: 01480 388234 / 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</p>
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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.

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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 June 2023

PRESENT: Councillor B S Banks – Chair.

Councillors M L Beuttell, S Bywater, A E Costello,
S W Ferguson, S A Howell, P A Jordan, P Kadewere,
D Terry and C H Tevlin.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors J Clarke and S J Criswell.

4 MINUTES

The Minutes of the meetings held on 7th December 2022 and 17th May 2023 were approved as a correct record and signed by the Chair.

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 Environmental Health Service Manager (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 2023.

With regards to the Food Law Enforcement Plan, the Committee were advised that the programme of food hygiene inspections for the remainder of 2022-23 had continued to be completed in line with the Food Standards Agency Recovery Plan. In this regard, Members were pleased to note that all but 4 Category C premises had been inspected by 31 March 2023. It was also noted that more new business registrations were received in Quarter 4 than Quarter 3.

In terms of the total number of programmed food hygiene inspections for Category A-D premises, the Committee were advised that in total 671 inspections had been completed which was under the target set for the year. In commenting on the number of inspections undertaken, the Executive Councillor for Customer Services commended the excellent performance of the Environmental Health Team and reported that there had been 72% more food safety inspections than in 2021/22. He also reiterated that the reasons for the Amber rating could be attributed largely to the Authority following the Food Standards Agency's Recovery Plan. Although there were still some backlogs in the inspection of category D/E premises, overall he was satisfied with the

performance of the team and he drew attention to a reduction in the target for inspections in 2023/24 to a more realistic figure.

In response to a question concerning the limited progress which had been made against the target for other proactive visits (i.e. food, water and environmental samples / advisory), the Committee were advised that this not currently of concern and the target would be revisited in 2023/2 to reflect the activities which the team were actually undertaking.

Members attention was then drawn to the Alternative Enforcement Strategy which remained as an underperforming area, given that there had been no inspections during the 2022-23 year. In response to which, the Committee were reminded that such Category E businesses were the Authorities lowest risk premises and thus inspections of such had not been included within the FSA's recovery plan. Inspections relating to the Alternative Enforcement Strategy would now be taken forward in the forthcoming year.

The Committee were informed that the Authority had continued to participate in UK Health Security Agency's sampling study during the quarter. Members were advised that the topics had been 'Ready to eat plant based (Vegan) Meat, Fish and Dairy substitutes' and 'Ready to eat hot or cold smoke fish'.

With regards to Health and Safety activity during the quarter, it was noted that 3 accidents were reported and that there had been 42 other service requests. The Committee were also informed that Officers had also been contributing to the Safety Advisory Group to offer advice to organisers to promote public safety at events within the district. Work was also continuing with the Health and Safety Project Work for 2022-23, which would be carried forward into 2023-24.

7 SERVICE PLAN FOOD LAW ENFORCEMENT 2023-24

Consideration was given to a report by the Environmental Health Service Manager (a copy of which is appended in the Minute Book) to which was attached a draft Service Plan for Food Law Enforcement for 2023-24.

The Committee were reminded that the District Council has responsibility for most food safety and hygiene enforcement functions within the District. As such, the Food Standards Agency (FSA) requires every local authority to outline how it will fulfil its duty to deliver food controls in the form of a Service Plan, specifying how and at what level the official controls will be delivered. It also details the resources required to deliver it, together with a review of the previous year's performance.

The Committee were advised that on 1st April 2023 there were 1740 food registered in Huntingdonshire, an increase of 39 businesses compared to the same date in 2022. Members were also reminded that businesses are inspected according to their rating category and throughout the last year the requirements of the Food Safety Recover Plan were followed. Now that this had finished, the aim of the Service was to work through the remaining backlog of Category D rated premises which did not form part of the Plan, some of which may not have been inspected for a period of 4 years due to the Covid 19 Pandemic There were approximately 342 overdue Category D premises which would form that work, together with 53 unrated premises which were due for an intervention in 2023-34.

Quarterly monitoring reports would continue to be provided to the Licensing and Protection Committee in addition the Monthly Monitoring figure provided to Senior Leadership Team.

In terms of the proposed performance indicators which had been included within Appendix 1 of the draft Plan, Members were advised that these had now been broken down to indicate whether they were programmed, or initial inspections and to identify the number of aborted inspections which take place. Members were advised that the Alternative Enforcement Strategy remained as an indicator as it was intended that there would be progress in this area during the year. Several new indicators had also been included to identify where mentoring and business support visits had been undertaken, revisits to check compliance and requests for export certificates made etc.

Arising from the draft Service Plan, Councillor Bywater commented on the potential for there to be misunderstanding by members of the public surrounding some of the dates within the report. He also queried in relation to paragraph 2.4.5 whether the Authority had sufficient trained individuals to undertake some of the complex visits. In response to which it was explained that the Environmental Health Team comprised fully trained competent officers at the current time, who all fulfilled ongoing professional development requirements. However, consideration was currently being given to the best means of dealing with the 0.5FTE vacancy within the Team.

Whereupon, it was

RESOLVED

- (a) that the Service Plan for Food Law Enforcement 2023-24 be approved in accordance with the Council's Constitution; and
- (b) that quarterly reports be requested to monitor progress against the Service Plan.

8 SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2023-24

Consideration was given to a report by the Environmental Health Services Manager (a copy of which is appended in the Minute Book) to which was attached the 2023-24 Draft Service Plan for Health and Safety Regulation.

The Committee were advised that Health and Safety Executive (HSE) was the National Regulator for Health and Safety and required every Local Authority to outline how it would fulfil its duty to make adequate arrangements for the enforcement of the relevant statutory provisions within its area.

The Committee were advised that the Service Plan priorities for Health and Safety were guided by the Local Authority Circular 67/2 and the National Local Authority Enforcement Code. The HSE approach was risk based and was based upon an incident selection criteria. Members noted that the Authority would use this to select relevant incidents, accidents, diseases dangerous occurrences and complaints for investigation to ensure that resources were targeted effectively. Statutory notifications would also be dealt with accordingly using incident selection criteria.

Members noted that the Authorities main activities would focus on high-risk workplaces alongside a small number of targeted project work which had been taken forward from last year. These related to inflatable amusement devices, electrical safety in hospitality settings and preventing injury to members of the public from accessing large commercial waste and recycling bins, through the provision of information and guidance to relevant businesses.

In terms of requests for Service, it was expected to receive a similar number to the previous year and quarterly updates would continue to be provided to the Committee.

In reviewing the contents of the proposed plan, a member of the committee welcomed the inclusion of the project on inflatable amusement devices and sought further information. In response to which Committee Members were advised that guidance had now been drafted and consideration was now being given to its distribution in a targeted fashion to relevant businesses. It was suggested that appropriate publicity should be given to the availability of this guidance when it became available. Members were also reassured to hear that the use of inflatables was also a matter for discussion at meetings of the Authority's Safety Advisory Group.

Whereupon, it was

RESOLVED

- a) that the Service Plan for Health and Safety Regulation 2023-24 be approved in accordance with the Council's Constitution; and
- b) that quarterly reporting figures on progress against the Service Plan be requested for consideration by the Licensing and Protection Committee.

9 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 have been taken under delegated authority during the period 20th February to 8th June 2023.

An update was also provided with regard to the three outstanding decisions that were awaiting a court appeal date.

10 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.

Chair

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Public Spaces Protection Order- Dog Control

Meeting/Date: Licensing and Protection Committee- 27th September 2023

Executive Portfolio: Councillor Stephen Ferguson, Executive Councillor for Customer Services

Report by: Community Resilience Manager

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 pre-existing Dog Control Orders were converted to a new single PSPO. The PSPO was extended in 2020 until October 2023. The maximum period that a PSPO can be in operation for is 3 years, meaning that authorisation is now required for the PSPO to be reinstated for a further 3 years, this being to October 2026.

We are fortunate that the vast majority of dogs do not cause a problem and their owners look after them in a responsible manner. But it must be acknowledged that the control of dogs continues to cause significant concern for our residents and regularly features as a subject of complaint within the teams' service requests. Recognising that the current PSPO is soon to expire, a consultation exercise was undertaken to establish whether residents wished for the order to be renewed, the responses were strongly in favour of the Council retaining the current dog control measures.

As such, this report recommends recommencing the PSPO with some minor amendments, 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 Protection Committee is

RECOMMENDED

1. 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
2. to delegate authority to the Community Services Officer, in consultation with the Portfolio Holder with responsibility for Community Services, 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 the previous Dog Control Orders. As PSPOs last for a set period of 3 years, the current 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 2026.

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 out of control 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 Best practice dictates that 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 must take place with those who may be affected.
- 2.3 This report details the feedback from the statutory consultation process which has recently been carried out and proposes retaining the existing principles and control measures within a new PSPO.
- 2.4 It is considered that the current PSPO has been a valuable enforcement tool. The number of complaints related to dog control have increased since the previous year (detail in 2.5), although it is obviously difficult to definitively evidence “cause and effect” of this. This could be linked to the post covid period and vast changes of circumstances including the “cost of living crisis”.
- 2.5 In the financial year 2022/23, the District Council received 63 service requests that related to dog control incidents and 29 reports of heavily fouled areas (dog faeces). This is an increase on the financial year 2021/22, which saw 48 service requests for dog control issues and 17 reports of heavily fouled areas. Recorded as a separate figure, in the financial year 2022/23, 103 reports of stray dogs were received. During the financial year 2021/22, the number of stray dogs reported to HDC was 83.

3. OPTIONS CONSIDERED

3.1 Options to consider are:

- 3.1.1 Reinststate the PSPO with the addition of the new conditions on 12th October 2023 (detail in 5.2)
- 3.1.2 Renew the PSPO with no changes and launch on the 12th October 2023 (detail 3.2)
- 3.1.3 Allow the PSPO to lapse as of October 2023 – Do not renew (Detail 3.3)

3.2 The 2020-2023 PSPO imposed the following conditions:-

- A requirement to place dogs on leads 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.

3.3 The current Dog Control PSPO expires in October 2023, 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 lapse. This is not recommended, because of the potentially serious impact which a small number of irresponsible and 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 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 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 Cambridgeshire Constabulary. Written responses were received from the Leader of the Council and a few Councillors, all of which were strongly supportive of the reinstatement of the PSPO. A positive response has also been received from the Dogs Trust.

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, 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.

New proposals

- A condition requiring a person responsible for the dog(s) to ensure the dog is not out of control or damaging or destroying another animal.
- That the person responsible for the dog are not allowing the dog in their charge to cause alarm and/or distress
- The order will also introduce the conditions to allow action against person responsible for the dog who allow their dog(s) to repeatedly stray.
- Change to the condition; requiring dogs to be kept on a lead; HDC have removed the requirement for the lead length to be 1.5 meters.

5.3 The proposed wording of the PSPO is attached as Appendix 1 to this report. This lists all definitions, conditions and locations to which specific controls apply.

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 an appropriate consultation. As previously, the PSPO lasts for a maximum of 3 years, so a full review will be required at that time, in October 2026.

6. KEY IMPACTS / RISKS

6.1 The absence of a Dog Control PSPO would significantly reduce the effective response and enforcement against Dog control issues across the district. The implementation of the proposed 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 be ratified by the District Council before it comes into force. As such, the proposed PSPO has been drafted and will be publicised to come into effect on 01st October 2023

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

8.1 Placing effective controls on irresponsible dog owners and dog related issues links to HDC's Corporate Plan 2023-2028 aims to improve the quality of life for local people by preserving the District of Huntingdonshire, as a place which attracts employers and visitors and that residents are proud to call home. To support the Corporate Plan, HDC's Dog Control PSPO (2023) will act as a tool alongside other statutory provisions in relation to dog-related anti-social behaviour.

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 the Office of the Police & Crime Commissioner as statutory consultees.

9.2 If the 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 the 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 metal signs and sticker signs displayed on HDC owned furniture and lamp columns under an ongoing agreement with Balfour Beatty. Existing signage 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. Information of the consultation exercise.

14. BACKGROUND PAPERS

None

CONTACT OFFICER

Name/Job Title: Rob Mitchell, Community Resilience Manager
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Email: robert.mitchell@huntingdonshire.gov.

Public Spaces Protection Order (Dog Control)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014



Public Spaces Protection Order: Dog Control

Huntingdonshire District Council

October 2023

Huntingdonshire District Council (HDC) in exercise of its powers pursuant to Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes for following Public Spaces Protection Order (PSPO). The PSPO takes effect on **01/10/2023** for a period of 3 years.

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

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

Authorised Signatory:

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Part One: Public Spaces Protection Order (Dog Control)

1. Executive Summary

In the financial year 2022/23 HDC received service requests in relation to 63 dog control incidents and 29 reports of heavily fouled areas (dog faeces). This is an increase on the financial year 2021/22, which saw 48 service requests for dog control issues and 17 reports of heavily fouled areas. Recorded as a separate figure, in the financial year 2022/23 HDC received 103 reports of stray dogs. During the financial year 2021/22, the number of stray dogs reported to HDC was 83.

Since 2017, HDC have enforced a PSPO for dog control, targeting dog fouling, requirements for dogs to be on lead and monitoring dog prohibited areas. This PSPO was renewed in October 2020, keeping the same conditions.

In line with HDC's Corporate Plan (2023-28) and responding to the increased service requests in relation to dog control, HDC are renewing the PSPO for Dog Control. This PSPO makes the pre-existing conditions clearer whilst also implementing a new requirement to tackle out of control dogs. The conditions are to challenge the behaviours of irresponsible dog owners or those in charge. The new conditions include protecting public spaces from dogs which damage or destroy other animals, cause people alarm and/or distress, and from people responsible for dogs that repeatedly stray.

2. HDC Corporate Plan 2023-2028

HDC's Corporate Plan 2023-2028 aims to improve the quality of life for local people by preserving the District of Huntingdonshire as a place which attracts employers and visitors, and that residents are proud to call home. To support the HDC Corporate Plan, HDC's Dog Control PSPO (2023) will act as a tool alongside other statutory provisions in relation to dog-related anti-social behaviour.

Public Spaces Protection Order (Dog Control)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014

3. Anti-social Behaviour

For the purpose of HDC's PSPO for Dog Control (2023), anti-social behaviour is considered to be behaviour of a person responsible for a dog on public land, which:

- A. Has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- B. Is, or is likely to be, persistent or continuing in nature; and
- C. Is, or is likely to be, unreasonable

Specifically, the HDC PSPO for Dog Control (2023) aims to tackle dog-related anti-social behaviour in relation to:

- A. Dog faeces
- B. Dogs out of control
- C. Dogs on lead
- D. Dog prohibited locations

4. The Areas to which the PSPO applies:

This PSPO relates to public land within the administrative District of Huntingdonshire. For the purpose of this PSPO, 'public land' includes:

- A. All land which is open to the air, and
 - i. Which public have access (with or without payment)
- B. All road carriageways with a speed limit of 40 mph or less
- C. All footpaths and verges
- D. Registered common land
- E. Registered town or village green
- F. Open access land, including
 - i. All bridleways & footpaths which allow public access through otherwise private land
- G. Any land with implied permission which is owned by a Local Authority, or body acting on its behalf.
- H. Specific locations to which this PSPO applies are listed in Schedule 1 and 2 of this PSPO.

Public Spaces Protection Order (Dog Control)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014

5. Persons who the PSPO applies to:

A person is responsible for their compliance with this PSPO if they are responsible for a dog whilst regularly visiting, residing, or working within the District of Huntingdonshire.

This PSPO only applies to a person whose behaviour is:

- A. likely to be persistent or continuous in nature,
- B. unreasonable, and
- C. is not detrimental to the quality of life of those in the locality

Additionally, the PSPO does not apply to:

- A. An assistance dog which has been trained to assist a person who has a prescribed disability, in accordance with the Equalities Act (2010)
 - i. This includes trained psychiatric assistance dogs to assist a disabled person who relies on a trained assistance dog to mitigate a mental health condition in the same way that a physically disabled person with an assistant dog might.

6. Authorised Officer

For the purpose of HDC's PSPO for Dog Control (2023), an Authorised Officer is a person with lawful responsibility for the enforcement of the conditions of this PSPO and refers to any warranted Officer of Huntingdonshire District Council, Cambridgeshire Constabulary, or any other Officer lawfully permitted and authorised by Huntingdonshire District Council. Powers will be exercised at the discretion of an Authorised Officer and only against behaviours that meet the legal test of being anti-social behaviour.

7. Penalty on breach

It is an offence for a person, without reasonable excuse to:

- A. Do anything that the person is prohibited from doing by HDC's PSPO for Dog Control (2023)
- B. Fail to comply with requirement(s) to which the person is subject to under HDC's PSPO for Dog Control (2023)

Breach is a criminal offence. Enforcement Officers can issue a fixed penalty notice of up to £100 if appropriate. Offenders may receive a fine of up to £1000 on prosecution.

Part Two: Conditions of the Public Spaces Protection Order for Dog Control

The conditions of this PSPO are set to impose the following prohibitions and requirements on land to which this PSPO applies, specified as follows:

1. Dog Faeces

A. Removing from the Land:

On any public land, a person commits an offence if they are responsible for any dog(s) and fail to remove its faeces from the land before leaving the area, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so; or

For the purpose of this PSPO:

- ii. Disposing of the faeces inside a dedicated dog waste bin which is provided for this purpose, is a sufficient removal from the land.
- iii. It is not a reasonable excuse to fail to remove faeces if a person is responsible for a dog but unaware that the dog has defecated.

B. Carrying a suitable means for picking up dog faeces:

On all public land, a person commits an offence if they are responsible for any dog(s) and fail on instruction by an Authorised Officer (Police, Local Authority, or other delegated persons) to demonstrate they are carrying suitable means for picking up and disposing of dog faeces.

- i. Suitability of the means for picking up dog faeces is to be determined by the Authorised Officer.

Public Spaces Protection Order (Dog Control)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014



2. Dogs Out of Control

A. Damaging or Destroying Another Animal

On all public land, a person commits an offence if they are responsible for any dog(s) and fail to take reasonable steps to prevent the dog(s) from damaging or destroying any other animal(s), whether domestic or wild unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so
- ii. The owner/keeper of the damaged or destroyed domesticated animal seeks alternative civil resolution for the incident through payment for any medical/veterinarian treatment and does not wish for PSPO enforcement action to be taken.

B. Causing Alarm and/or Distress

On all public land, a person commits an offence if they are responsible for any dog(s) and fail to take reasonable steps to prevent the dog(s) from being out of control in a way which causes alarm and/or distress to a person, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so

C. Dog(s) Repeatedly Straying

On all public land, a person commits an offence if they fail to prevent any dog(s) which they are responsible for from straying. For the purpose of this PSPO, a stray dog is defined as “a dog that is in a public place and not under the charge of a keeper”.

Public Spaces Protection Order (Dog Control)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014



3. Dogs on Lead

A. Specified Dogs on Lead Areas:

On all land specified in Schedule 1, a person commits an offence if they are responsible for any dog(s) and fail at any time to keep their dog under control and on lead, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so.

B. Upon Request by an Authorised Officer:

On all land specified in Schedule 1, a person commits an offence if they are responsible for any dog(s) and upon instruction by an Authorised Officer (Police, Local Authority, or other delegated persons) fail to put their dog on lead, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so.

4. Dog Prohibited Locations

A. A person commits an offence if they are responsible for any dog(s) and fail at any time to prevent the dog(s) from entering any part of land specified in Schedule 2, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so.

Part Three: Lawful Threshold of the Public Spaces Protection Order (Dog Control)

1. Conditions and Justification Statement:

HDC is satisfied that the conditions set out in Section 59 and 72 of 'the Act' have been met and justifies the restrictions imposed by this PSPO. HDC 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.

2. Appeals against PSPO

Any 'interested person' (a person which this PSPO applies to), who desires to question the validity of this PSPO on the grounds that HDC has no power to make it or that any requirements of the Act have not been complied with in relation to this PSPO, may apply to the High Court within six weeks from the date upon which this PSPO is made.

- A. An 'interested person' will be excluded from challenging the validity of the PSPO (including a decision to vary the PSPO) by way of judicial review (see: s.66(7) of the Act).
- B. Other persons who fall outside the definition of an 'interested person' will have the right to bring a judicial review to challenge the lawfulness of the use of power to make the PSPO.

Part Four: PSPO Schedules

Schedule 1 – The areas subject to the ‘Dogs on Leads’ condition:

1. Land Designated by Description

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

2. Land Designated Specifically

- A. **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.
- B. **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.
- C. **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.
- D. **Hartford- Marylands Avenue, Hartford, Huntingdon:** The whole of the park excluding the area which is fenced and contains children’s play equipment.
- E. **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.
- F. **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.
- G. **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

Public Spaces Protection Order (Dog Control)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014

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.

- H. **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.
- I. **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.
- J. **Southoe Play Area Football Field, Rectory Lane, Southoe:** The whole hedged and fenced football playing field, with access to Rectory Lane, Town Orchard and Southoe Play Area.

Schedule 2 – The areas subject to the Dogs Exclusion condition

1. 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

2. Land Designated Specifically

- A. **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.
- B. **Colne – The Colne Jubilee Woodland & Garden Allotments:** All land within the area that is fenced off beyond the signposted gated entrance titled "Colne Jubilee Woodland & Garden Allotments", off Howgate Grove, Colne.

Public Spaces Protection Order (Dog Control)

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- C. **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.
- D. **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.
- E. **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.
- F. **Hartford- Playground, Marylands Avenue, Hartford, Huntingdon:** That part of the park which is fenced and contains children's play equipment.
- G. **Hartford- Playground, Sapley Road, Hartford, Huntingdon:** That part of the park which is fenced and contains children's play equipment.
- H. **Huntingdon- Town Park, Brookside, Huntingdon.**
- I. **Huntingdon - Playground, Nursery Road, Huntingdon:** That part of the park which is fenced and contains children's play equipment.
- J. **Huntingdon – St John's Churchyard, High Street, Huntingdon.**
- K. **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.
- L. **Somersham- The Millennium Sports Field, the Trundle, Somersham.**
- M. **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.
- N. **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.

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- O. **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.
- P. **Warboys- Adam Lyons Playing Field, Church Road, Warboys.**

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Public Spaces Protection Order (Dog Control)

Consultation Results

Following a month of public and Member consultation, the Community Protection and Enforcement Team received 64 public responses, support from HDC Members and full support from The Dogs Trust. This included statutory responses from Cambridgeshire Constabulary and The Office of The Police and Crime Commissioner.

Of the 64 questionnaire respondents the majority provide textual reviews on the proposal providing positive support.

A minority of respondents offered feedback challenging parts of the proposed order. HDC have considered these views and our proposal reviewed accordingly. HDC are satisfied that the proposal reflects the needs of the majority of the District and its residents.

Results of the consultation survey

Questions:

1. Do you agree with the continuation of the order for the next three years?
 - a. Yes: 62
 - b. No: 2
2. Do you agree that the order is required across the District (Part 1, Section 4)
 - a. Yes: 62
 - b. No: 2
3. Do you agree to the addition of the 'Dog out of Control' section (Part 2, Section 2)
 - a. Yes: 61
 - b. No: 3

Town / Village	Count	Town / Village	Count
Alconbury	4	Little Paxton	2
Bluntisham	1	n/a	1
Brampton	2	Needingworth	1
Bury	3	Old Weston	1
Earith	2	Ramsey	1
Eaton Socon	2	Southoe	4
Folksworth	1	St Ives	9
Godmanchester	3	St Neots	7
Great Paxton	2	Stilton	2
Great Stukeley	1	Tilbrook	2
Hilton	1	Upwood	1
Hinchingbrooke	1	Warboys	1
Hinchingbrooke Park	1	Wyton	1
Huntingdon	7		
		Total	64

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Monitoring Report on the delivery of the Service Plans for Food Law Enforcement and Health and Safety Regulation
Meeting/Date:	Licensing and Protection Committee – 27 September 2023
Executive Portfolio:	Executive Councillor for Customer Services – Cllr S Ferguson
Report by:	Kate Penn – Environmental Health Service Manager
Ward(s) affected:	All

Executive Summary:

The Service Plans for Food Law Enforcement and Health and Safety Regulation 2023-24 were approved by committee on 28 June 2023.

The report provides information about the delivery of the two Service Plans for Quarter 1.

For both service areas programmed work such as food hygiene inspections is delivered alongside reactive work, the volume of which by definition is impossible to predict. This work is carried out according to risk. Complaints and accident investigations are prioritised using risk-based selection criteria, and the volume of work is reported here to attempt to identify any emerging risks in terms of resource provision.

Appendices 1 and 2 contain detailed information about the delivery of Service Plans for Food Law Enforcement and Health and Safety Regulation 2023-24.

Recommendation:

The Committee is asked to review progress and provide any comments considered appropriate on the delivery of the two Service Plans for Q1

1. PURPOSE OF THE REPORT

- 1.1 The report provides information about the delivery of the Service Plans for Food Law Enforcement and Health and Safety Regulation for Quarter 1.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

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

3. SERVICE AREAS COVERED BY THE REPORT

- 3.1 The overall aim of the Service Plan for Food Law Enforcement is to ensure that food placed or intended to be placed on the market for human consumption which is produced, stored, distributed, handled or purchased within Huntingdonshire is without risk to public health or the safety of the consumer. This is fulfilling our statutory duty under the Food Safety Act 1990 and the Food Hygiene and Safety (England) Regulations 2013. There are several key objectives which contribute to the delivery of the overall aim.

- The delivery of a programme of inspections and other interventions in accordance with the FSA's Code of Practice
- To respond to complaints and requests for service in accordance with any internal service standards
- To respond to any FSA Food Alerts for Action (FAFA) subject to available resources

- 3.2 The overall aim of the Service Plan for Health and Safety Regulation is to work with businesses and employees to protect all people, including members of the public, from unsafe working conditions by fulfilling the council's statutory role as a 'Health and Safety Enforcing Authority'

4. KEY IMPACTS / RISKS

- 4.1 The main risk of not carrying out the work on these plans would be to the health, wellbeing and safety of those who live, work or visit the Huntingdonshire area. They could be exposed to unsafe food or unsafe working conditions.
- 4.2 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.
- 4.3 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. PROGRESS AGAINST APPROVED SERVICE PLANS

- 5.1 **Service Plan for Food Law Enforcement**

5.1.1 The main focus of this service plan is the planned routine inspections of food businesses. All food businesses are risk rated category A to E with A being the highest risk. The risk rating mechanism is provided in the Food Law Code of Practice (England) and considers the consumers at risk; the level of current compliance with statutory obligations and any relevant industry codes of recommended practice in relation to the hygiene and structure of the premises; and the confidence in management/control processes in place. For example, a care home or nursery may be Category A due to their consumers being in a vulnerable group. Most restaurants, pubs and catering businesses are Category C or D. Category E are the lowest risk premises and will include small retailers selling pre-packed food and home caterers making cakes only.

The table below shows the categorisation of food businesses in Huntingdonshire on 31 March 2023:

Category	Number of Premises
A	6
B	63
C	290
D	542
E	720
Unrated	53

There are 66 food business outside the rating programme

5.1.2 In Quarter 1 there were 185 food hygiene inspections carried out, the majority of these inspections were at overdue category D premises that did not form part of the Food Standards Agency's recovery plan. Some of these premises have not been inspected since 2018 and the aftereffects of the pandemic, the energy crisis and staffing shortages has meant there can be been a drop in standards and officers are working to support these businesses to ensure the food they are producing is safe for consumers.

5.1.1 There were 55 new food business registration received in Quarter 1. A new business registration can occur when an existing business changes hands and a new food business operator takes over or an entirely new business starts up. This number of registrations is line expectation.

5.1.3 Appendix 1 shows that the alternative enforcement strategy continues to be at a red status. 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. In July (Quarter 2) worked started with reviewing the status of these premises to determine which are still operating and need inspecting and which have ceased trading.

5.1.4 Appendix 1 also shows that requests for export certificates has been a little lower than anticipated, this is something that as a service we cannot influence and is determined by what manufactures are exporting where.

5.1.5 There have been more rescore requests received than anticipated in Quarter 1, this shows where businesses have not got the highest rating

they are striving to improve it and may also be a reflection of some Category D premises not being inspected for longer than usual due to the pandemic and standards suffering.

- 5.1.6 Officers have been participating in the UK Health Security Agency's sampling study, in Quarter 1 the topics were 'Ready to Eat (RTE) Salad and salad components from Retail and Catering' and 'Hygiene in Catering Premises' which included taking swabs and environmental samples around the premises. 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 to the required standard.

5.2 Service Plan for Health and Safety Regulation

- 5.2.1 During Quarter 1 there were five accidents investigated of the seven reported and 39 other service requests responded to, a break down of service request types is shown in Appendix 2, the majority of these were licence consultations. This was slightly higher than the number of service requests anticipated, however, the number of accidents occurring was less than anticipated.

- 5.2.2 There has also been activity concerning 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. This advice from officers can be written or it can be given during SAG meetings or site visits. During Quarter 1 advice was given ahead of summer events. Large events in the district such as Secret Garden Party can take up significant amounts of officer time where documentation has to be reviewed.

- 5.2.3 Environmental Health have now fully taken over the administration of the skin piercing registrations within the district and 13 skin piercing registration applications were received in Quarter 1.

- 5.2.4 The number of premises inspections and interventions is less than anticipated, this is driven by what service requests come in and whether inspection or intervention would be considered to be a proportionate regulatory intervention inline with the Health and Safety Executive's statutory guidance.

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

- 6.1 The work covered by the two Service Plans largely sits under Priority 3 - Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

7. RESOURCE IMPLICATIONS

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

8. LIST OF APPENDICES INCLUDED

Appendix 1 - Food Activity 2023-2024

Appendix 2 - Health and Safety Activity 2023-24

CONTACT OFFICER

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Appendix 1 Food Activity 2023-2024

Activity	Predicted activity 2023-24	Recorded Activity Q1 2023-24	Total Activity 2023-24	RAG Status
<p>Programmed food hygiene inspections</p> <p>A breakdown will be reported for:</p> <p>1) Programmed inspections</p> <p>2) Initial inspection (new business or new FBO)</p> <p>3) Aborted/no access or closed premises inspections (aim to minimise)</p>	719	<p>Total: 185</p> <p>1) 109</p> <p>2) 54</p> <p>3) 22</p>	<p>Total: 185</p> <p>1) 109</p> <p>2) 54</p> <p>3) 22</p>	Green
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	300	0	0	Red
Revisits to check compliance following a food hygiene inspection	30	13	13	Green
Mentoring / business support visits (previously included in other proactive visits)	15	0	0	Green
Sampling visits (previously included in other proactive visits)	20	10	10	Green
Food, water and environmental samples taken	100	39	39	Green
Prosecutions and cautions	2	0	0	Green
Formal action (service of notices, closures)	10	0	0	Green
Complaints and service requests about food and about/from food businesses	350	78	78	Green
Requests for export certificates	120	19	19	Amber
FHRS re-score requests (low is good)	20	10	10	Amber
Infectious disease control - notifications of food-borne/food poisoning illnesses (low is good)	10	4	4	Green
FSA food alerts for action	10	1	1	Green

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Appendix 2 Health and Safety Activity 2023-24

Activity	Predicted activity 2023-24	Recorded Activity Q1 2023-24	Total Activity 2023-24
Premises inspections and interventions (including activities identified in Work Plan)	40	3	3
Health and safety complaints and requests for service (including advice to business/enquiries) *	100	Total: 39 14 licensing consultations 11 relating to work premises 7 skin piercing enquiries 4 lifting equipment notifications 3 other	Total: 39 14 licensing consultations 11 relating to work premises 7 skin piercing enquiries 4 lifting equipment notifications 3 other
Skin piercing registrations	50	13	13
Accident and dangerous occurrence reports received	70	7	7
Accident and dangerous occurrence investigations commenced **	30	5	5
Specific smoke free enforcement visits***	0	0	0
Matters of Evident Concern (MEC)****	35	8	8
Health and safety promotional activity	3	1	1

* 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. A breakdown of service request areas will be given.

**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)

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Business and Planning Act 2020 – Pavement Licences

Meeting/Date: Licensing and Protection Committee - 27 September 2023

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

Report by: Michelle Bishop – Interim Licensing Manager

Ward(s) affected: All

Executive Summary:

The Business and Planning Act 2020 originally came into force on Thursday 23 July 2020 and was intended to make provision relating to the promotion of economic recovery and growth following the Covid-19 pandemic. It introduced a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This supported them to operate safely while social distancing measures remained in place. This provided much needed income over the summer months and protected as many hospitality jobs as possible.

Any licence issued can be for a minimum period of 3 months. The original provision expired on 30 September 2021 and then again further extended until 30 September 2022 and 30 September 2023.

On 10 August 2023, parliament has made an extension to the current Business and Planning Act 2020 regulation to allow the current provisions to be in place until 30 September 2024. The purpose of this report is to provide an update on the extension and advise on possible future plans for the regulation for furniture to be placed on the Highway.

Recommendation(s):

- That the fee for applications be charged at the set amount of £100 for all licenses issued with an expiry date of 30 September 2024.
- The original delegation/decision notice agreed on 24 July 2020 be further extended until 30 September 2024. This can be seen at **APPENDIX A**

1. PURPOSE OF THE REPORT

- 1.1 To provide an update on the extension of the Business & Planning Act until 30 September 2024 and to seek approval for the application fee to be charged at £100 per application.

These licences have been issued since 2020 with no fees and the cost absorbed by Local Authority to support businesses recovery, however this is not sustainable going forward and therefore we believe this is the correct time to introduce the £100 fee which is the maximum amount we can charge as per the legislation.

Any licences granted through this legislation will cease to have effect after 30 September 2024 unless there is a further extension in place.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council are the 'Licensing Authority' for the purposes of the Act.
- 2.2 At the current time Parliament are considering through the 'Levelling up process' a new piece of legislation to permanently introduce pavement licenses which will fall to the local authority to both administer and enforce.

As part of this review a discussion point regarding the maximum fee that can be set and an extension to the consultation period is likely to be included but no confirmed information has been released.

3. CONSULTATION

- 3.1 Not required as Legislation extension

4. LEGAL IMPLICATIONS

- 4.1 The legislation does not have a statutory right of appeal, any appeal would be by way of Judicial Review.

5. RESOURCE IMPLICATIONS

- 5.1 There is a resource cost for this additional piece of work and therefore charging the £100 application fee will support these costs to Local Authorities.

The enforcement provision is still maintained by Highways.

6. BACKGROUND PAPERS

Government Guidance updated 26 July 2022; [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences-guidance)

Legislation updated 10 August 2023: [The Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

CONTACT OFFICER

Name/Job Title: Michelle Bishop
Email: michelle.bishop@huntingdonshire.gov.uk

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HUNTINGDONSHIRE DISTRICT COUNCIL

RECORD OF CHIEF OFFICER/HEAD OF SERVICE DECISION

This form should be used to record key and other decisions made by Chief Officers and Heads of Service. The contact officer will ensure that the signed and completed form is given to Democratic Services as soon as reasonably practicable after the decision has been taken.

A key decision shall not be taken unless notice of the item has been published at least 28 days before the decision is to be taken except where:

- a General Exception notice has been published under Rule 15 of the Access to Information Procedure Rules and the Chairman of Scrutiny and Overview Committee has been informed in writing; or
- where a Special Urgency notice has been published under Rule 16 of those Rules and the Chairman of Scrutiny and Overview Committee has agreed the decision is urgent.

Decision Taker	Managing Director
Subject Matter	Part 1 of the Business and Planning Act 2020 relating to Pavement Licenses and the power to determine applications, including the setting of fees.
Ward(s) Affected	All
Date Taken	29 September 2023
Contact Officer	Michelle Bishop, Interim Licensing Manager Michelle.Bishop@huntingdonshire.gov.uk
Date Published	29 September 2023
Call-In Expiry/Exempt from call-in	N/A – not a key decision
Key Decision?	No. (this is a non-executive function)
In Forward Plan?	No – not required as not a key decision and not an executive function. Direction from Government in response to Covid-19 Crisis to support businesses and the economy
Urgent?	Yes, but as it is not a key decision it is not subject to the urgency provisions. The decision is required to respond to direction from Government in response to COVID-19

Purpose / Background
To provide openness and transparency in the exercise of new non-executive functions under the Business and Planning Act 2020 relating to Pavement Licenses.
To provide a clear delegation of authority for officers to determine applications under Section 1 of the Act.

This is a non-executive function, and the recommendation is to delegate it to an officer to determine the licence if representations are received.

The Business and Planning Act 2020 came into force on Thursday 23 July 2020 and is intended to make provision relating to the promotion of economic recovery and growth following the Covid-19 pandemic. It introduces a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This will support them to operate safely while social distancing measures remain in place. This will provide much needed income over the summer months and protect as many hospitality jobs as possible.

Any licence is issued for a minimum of 3 months and a maximum of 12 months. All licenses expired by law at the end of 30 September 2021. They have been subsequently renewed in line with legislation extensions in both 2022 and 2023. It is now proposed to grant all licences such that they end on 30 September 2024.

The Council must determine any application within 10 working days following a 5 working day consultation with the County Council Highways Authority as a statutory consultee. Further consultees will be The Police, The Fire and Rescue Service, and Local Town and Parish Councils and the public. Failure to determine the licence within the above timescale will deem the licence granted.

There is no statutory appeals process and as such there is no right of appeal against the refusal or revocation of a licence although the Council can introduce such a process.

It is proposed to charge a fee for this licence of £100 as per set in the legislation. This is to be charged on all application that expire on 30 September 2024.

On approving the application, the Council will issue a Licence to which conditions are attached. The Council's Standard Conditions are set out at Appendix 2 to the Policy. Additional Conditions may also be attached if the Council considered it appropriate in the circumstances of any particular case.

It is a national condition of any licence that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

<p>Declaration(s) of Interest <i>Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.</i></p>
None

<p>Dispensation(s) <i>In respect of any conflict(s) of interest declared above, record below any dispensation(s) granted by the Council's Corporate Governance Committee.</i></p>
None

<p>Consultation <i>Record below all parties consulted in relation to the decision.</i></p>
Executive Councillor for Operations and Regulation; Community Services Manager; Chairman of Licensing Committee

<p>Other Options Considered and Reasons for Rejection</p>
None. The Council is responding to Central Government direction.

Final decision	Reason(s)
<p>To Authorise Licensing Officers to determine applications and fee under Part 1 of The Business and Planning Act 2020 which enables the District Council to issue Pavement Licences to pubs and other businesses selling food or drink for consumption on or off the premises. A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.</p> <p>In order to formalise arrangements for carrying out this function the Managing Director, in exercise of the delegations in Annex A of Part 3 of the Constitution, has overall corporate management and strategic responsibility for the Council and its delivery of services.</p> <p>Accordingly, as a general rule, the Managing Director has responsibility for, and may make decisions in relation to, the deployment of Council resources for the purpose of dealing with the public health emergency.</p>	<p>On reviewing the extension to the legislation for a further 12 months, the council needs to charge the £100 application fee. This will not cover the whole cost of the application and resource required but will help towards the overall amount.</p>

Signed	Name (CAPITALS)	Signature	Date
Lead Cabinet Member (where required by the Constitution)			
Managing Director			

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing and Protection Committee – 27 September 2023

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

Report by: Licensing Team.

Ward(s) affected: All.

1. INTRODUCTION

The 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

09.06.2023 to 11.09.2023

2.1

Date	Licence type	Decision	Reason	Comments
29.06.2023	Private Hire vehicle	Suspended	Vehicle involved in an accident	
04.07.2023	Hackney Carriage Vehicle	Suspended	Test failed for dangerous defects	
04.07.2023	Hackney Carriage Vehicle	Suspended	Test failed for dangerous defects	
06.07.2023	Dual Driver	Suspended immediate effect	Police Intel	

10.07.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
11.07.2023	Private Hire Vehicle	Suspended	Vehicle owner had driver badge suspended and therefore vehicle suspended so could be used for personal use only	
12.07.2023	Private Hire Vehicle	Suspended	Failed at approved garage due to dangerous defects	
24.05.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
19.07.2023	Private Hire Vehicle	Suspended immediate effect	Issued a prohibition notice by DVSA	27.07.23 – Vehicle repaired, and notice removed.
25.07.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	16.08.23 - Repaired and tested
25.07.2023	Hackney Carriage Vehicle	Suspended	Vehicle involved in an accident	
08.08.2023	Hackney Carriage Vehicle	Suspended	Vehicle involved in an accident	
08.08.2023	Private Hire Vehicle	Suspended	Dangerous defect notice issued by officer following complaint	
16.08.2023	Private Hire Vehicle	Suspended	Failed at approved garage due to dangerous defects	
18.08.2023	New Driver	Refused	Licence refused due to multiple convictions on applicants DBS	
30.08.2023	Private Hire Vehicle	Suspended	Failed at approved garage due to dangerous defects	
06.09.2023	Dual Driver	Suspended with immediate effect	Licence holder suspended due to police investigation.	

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

5. RECOMMENDATION

- 5.1 Members are requested to note and consider the above information

Contact Officer: Michelle Bishop – Interim Licensing Manager
licensing@huntingdonshire.gov.uk

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