

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, 15 May 2024

PRESENT: Councillor B S Banks – Chair.

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

APOLOGY(IES): Apologies for absence from the meeting were submitted on behalf of Councillors S J Criswell and P A Jordan.

IN ATTENDANCE: (delete if not needed)

Prior to the start of the meeting the Chair announced that he proposed to admit two items of urgent business in accordance with Section 100B(4) of the Local Government Act relating to St Neots Public Space Protection Order and St Neots Civil Injunction on the town centre for anti social behaviour as these items of business could not be deferred.

25 MINUTES

The Minutes of the meeting held on 25th January 2024 were approved as a correct record and signed by the Chair.

26 MEMBERS INTERESTS

No declarations were received.

27 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

With the assistance of a report by the Licensing Officer (a copy of which was appended in the Minute Book), the Committee considered the contents of a draft Hackney Carriage and Private Hire Licensing Policy for the Council. The Policy was first introduced in 2018 and as part of its implementation, it had been agreed to review the policy every three years.

Members were informed that the Policy had been revised to address new and statutory duties placed upon the Council and the review had also provided an opportunity to revisit a number of existing areas of the policy which had been adopted in 2021. The review had also permitted an examination of the introduction of new legislation, statutory guidance and the impact of changing economic conditions.

The Committee were advised that the changes proposed were in keeping with regulatory codes of conduct, statutory guidance and the Council's Corporate Plan and that changes would create a clearer, concise, and more consistent policy which would benefit the public, the licensed trade, and the licensing team.

All costs associated with the implementation of the policy would be financed from the receipt of licence fees.

A public consultation had taken place between 30th January and 25th March 2024 and 31 responses had received. Details of which were provided to Members of the Committee.

Members proceed to then review and discuss in detail the responses received to those conditions where changes were proposed, together with the Licensing team's responses, and the final proposal or options for inclusion within the revised policy. These were grouped by Driver Conditions (Appendix 4), Vehicle Conditions (Appendix 5) and Private Hire Operator Conditions (Appendix 6).

Driver Conditions (Appendix 4)

In discussing the proposed introduction of a further appropriate formal driving qualification to improve driver competency (Section 4 – 39.4) the Committee were of the view that the proposed condition needed to be more specific to state which qualification would be required. Officers agreed that this would be made clear both in the final documentation and on the District Council's website. The Committee then indicated their approval for the inclusion of this condition.

Vehicle Conditions (Appendix 5)

The Committee discussed the responses which had been received regarding the need to display signage on Private Hire vehicles when they were not been used for licensed purposes. Having noted that the request had been made for privacy and safety reasons, the Committee indicated their support to enable signage to be removed when licensed drivers were using their vehicles for private use. With regards to the proposal to remove the additional door signage for Hackney Carriages, the Committee confirmed that they were content with this proposal.

The Committee then discussed the proposals as outlined in Section 26.5 – 26.8 of the draft Policy such that once any vehicle currently licensed under retained grandfather rights ceased to be licensed, they could no longer transfer their plate to any other vehicle. Having reviewed the responses received on this matter and the comments of the Licensing team, Members commented on the lack of available wheelchair accessible vehicles within the district and noted that the Equalities Act had been in place since 2010. Whilst recognising the commercial constraints placed on vehicle operators, the Committee indicated their support for this change.

The Committee went on to discuss proposed emission standard requirements for new and existing Hackney Carriage and Private Hire Vehicle licences as set out in Section 16.1 and 16.2 of the draft policy. Members were informed that this had attracted a significant response from the trade. Although a number of responses had been in support as it would remove the 5-year age restriction on the age of the vehicle, a number of negative responses had been received relating to the financial burden this may place on the trade. With this in mind and to minimise the impact on vehicle licence holders, the Committee indicated their support for the gradual approach set out in Proposals 1 and 2 within Appendix 5 to the report. This would mean that from 1 January 2025, any existing licensed Hackney Carriage or Private Hire Vehicle must meet Euro 5 emission standards,

with existing licensed Wheelchair Accessible Hackney Carriage or Private Hire Vehicles having until June 2025. Having noted that some neighbouring authorities had already shifted to an Ultra Low Emission Vehicles or electric hybrid requirement, Members were of the opinion that it was not the right time to adopt this approach in Huntingdonshire. Officers agreed that there was insufficient infrastructure within the district at the current time and the proposed approach represented a graduated step towards cleaner emissions.

With regards to the proposal to introduce a requirement that Certificate of Compliance checks be undertaken on a six-monthly basis for those vehicles which are 8 years or older, the Committee were advised that this had generated responses from the public consultation. The responses had referred to the additional costs being placed upon the trade and had suggested that vehicles were being targeted due to their age. However, the Committee were advised that an increasing number of vehicles were failing their inspections due to safety concerns. Having noted the results of a benchmarking exercise with other District Council's within the Cambridgeshire County area and the view of officers that 8 years was an appropriate age to undertake these checks, Members of the Committee indicated their support for this change to the policy given their duty to protect public safety.

Having noted that the final wording of the Section 24.9 would be clarified to confirm that card payments must be offered as an alternative to cash payments, the Committee confirmed their support for this change so that passengers were offered a choice of payment methods. In response to a comment regarding a member's personal experience with a driver who had asked for a bank transfer in lieu of payment for a fare, the Licensing Manager suggested that the wording could be amended to specify a card payment within the vehicle and not as a bank transfer. It was also reiterated that safety concerns were one of the main reasons that the proposal had been incorporated into the revised policy.

In drawing the discussion to a close, the Committee confirmed that they were in support of the proposed changes outlined in Appendix 5 – Vehicle Conditions.

Private Hire Operator Conditions (Appendix 6)

The Committee then went on to review the proposed changes to Private Hire Operator Conditions. In doing so, Members discussed appropriate training for drivers and to assist wheelchair users in wheelchair accessible vehicles. (Sections 1.1, 1.2, 5.3, 5.4 and 26.12). The Committee discussed specifically training for those driving wheelchair accessible vehicles and acknowledged that this was important to improve the confidence of the wheelchair using community to utilise taxi services. Members agreed they would not wish to place a requirement upon all licence holders and new applicants to undergo additional wheelchair accessibility training as this would place a significant burden on the trade. However, the Committee agreed to support an amendment to the wording of Section 26.12, such that it was the Operator's responsibility to ensure that their drivers had been appropriately trained in the use of wheelchair accessible vehicles and relevant belts and other restraints.

In reviewing the remainder of the proposed changes, the Committee indicated that they had no objections to changing the wording of Condition 1.3 in accordance with the recommendations of the Licensing Officer, to ensure that

Operators complied with their obligations under the Immigration Act and to reflect the comments which had been made during the consultation regarding the difference between directly employed and self-employed drivers.

In discussing whether an Operators name and contact information must be displayed on a Private Hire vehicle, the Committee consider the feedback which had been received in support and against the proposals and noted that there was good rationale on both sides. Guidance from the Department for Transport on the matter was also noted to be contradictory. However, the Committee concluded that it was necessary and most appropriate for the district, and therefore the condition should be included for all Private Hire vehicles.

The Committee then reviewed the proposed changes to conditions relating to Operator premises which were open to the public during the nighttime economy hours (Sections 4.6 and 4.7). In doing so, the Committee agreed that it was appropriate given an Operator's responsibilities to their own employees and that as the proposal did not explicitly require security, a new condition should be included to require Private Hire Operators to conduct an ongoing risk assessment to ensure that where it was considered necessary, sufficient SIA security were present at the premises. That way should any disturbances occur, there would be greater regulatory control and any additional cost would only be incurred if it were considered necessary. The Committee were also advised that the times within these Section 4.7 relating to the provision of hot food and drink should be amended to 23.00hrs to 05:00 hrs.

The Committee discussed the inclusion of proposal not to permit overseas call centres to be used by private hire operators due to the requirement of all dispatch staff requiring a basic DBS certificate. (Section 6.7). Having noted the requirements of Department of Transport guidance on the matter and the views of the Licensing Team on a proposal put forward as part of the public consultation that the Council should permit certificates of good conduct as an alternative, the Committee outlined their support for the requirement for DBS checks for despatch staff and the inclusion of this condition. Detail was also provided to Committee members on the detail of checks undertaken by the Disclosure and Barring service and Members noted that regulation of this by the Licensing Authority would evolve as time progressed.

Finally, the Committee outlined their support for a proposal that Operators must maintain a list of current despatchers and have sight of a basic DBS disclosure. Members were advised that due to comments that had been received as part of the public consultation exercise, the list of employees that required a check would be made clearer within the final documentation.

The Committee confirmed that they were in support of the proposed changes outlined in Appendix 6 – Private Hire Operator Conditions.

Whereupon and having concluded the discussion on this item, it was.

RESOLVED

that the Hackney Carriage and Private Hire Licensing Policy (as set out in Appendix 1) be approved to take effect from 3rd June 2024.

28 BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENCE

With the assistance of a report by the Licensing Manager (a copy of which is appended in the Minute Book), the Committee were informed that new legislation came into force on 31st March 2024 which had made permanent changes to the temporary pavement licensing regime which was introduced under the Business and Planning Act 2020.

Members were advised of the main changes which had been introduced as part of the new legislation. These included the introduction of maximum standard fees for new and renewal applications, an increase in the maximum term a licence can be granted, changes to the timescales for consultation and determination and guidance regarding the minimum width of clear space. Details of mandatory and local conditions were also provided, and the Committee were also informed that enforcement powers would transfer from the Highways Authority to the District Council.

The Committee's attention was then drawn to the proposed fees which the District Council wished to charge for new and renewal applications and Members were acquainted with the rationale for the decision to split the fees between applications of 5 tables / 20 chairs and above and not to charge the maximum permitted. The Licensing Manager explained that the fees charged would be reviewed in a 12-month period.

Having welcomed the permanent implementation of the streamlined approach towards the issue of pavement licences, it was

RESOLVED

- a) that changes to the temporary pavement licensing regime and proposed transitional arrangements be noted;
- b) that the fees for applications be set as follows:

	Fee A – Up to a maximum of 5 and/or chairs	Fee B – Over 5 tables and/or 20 chairs
New Licence for up to 2 Years	£330	£380
Renewal Licence for up to 2 Years	£240	£280

- c) the length of the licence be granted for 2 years or less by exception only;

- d) that any appeal following refusal of an application or revocation of a licence be referred to the Licensing and Protection Sub-Committee.

29 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 and noted an update on progress made against the delivery of work on the Council's Food Law and Health and Safety Service Plans during the fourth quarter of 2023/24.

With regards to the Food Law Enforcement Plan, the Committee were advised that the main focus continued to be the inspection programme. With this in mind, Members were advised that 264 food hygiene inspections had been carried out during Quarter 4, which gave a total of 768 inspections for the year 2023-24 which was in excess of the level predicted. Members also noted that there had been 78 new business registrations which was slightly less than previous quarters but reflected the continuing flux of food businesses.

Progress against the inspection of premises categorised under the Alternative Enforcement Strategy remained at Red, however the Committee were pleased to note that additional temporary resources had been secured to bring those businesses back into the inspection programme. Members were reminded that Category E businesses were those deemed the lowest risk within the District.

The Committee were informed that there had been nine compliance checks undertaken within the quarter, at those premises where food hygiene inspections had identified issues that required attention. The level of activity had been slightly higher than predicted for the year which reflected the fact that some of the businesses had not been inspected for 4 years.

Members also noted that requests for export certificates had been lower than anticipated and predicted income had been adjusted accordingly. However, requests for rescores continued to be higher than anticipated and Members suggested that this was a positive reflection on the engagement that the team were undertaking.

The Committee were also informed that the Authority had continued to take part in the sampling activities offered by the UK Health Security Agency. The topics had been 'Ready to Eat Salad and salad components from Retail and Catering' and 'Cooked Ready to Eat Sliced or Cut Meat from retail and catering premises'.

It was also reported that the level of activity with regard to infectious disease control had increased slightly due to the UK Health Security Agency restarting notifications of certain confirmed food and waterborne gastrointestinal pathogens. There had been approximately 10 cases within the current year.

With regards to Health and Safety activity within the quarter, it was noted that the majority of work undertaken was reactive. There were 16 accidents reported, of which 5 were investigated and Members were reminded that the selection of accidents for investigation was based on the risk-based criteria set out by the Health and Safety Executive. There were 26 other service requests responded

to, the majority of which were licensing consultations, and 11 skin piercing registrations were processed within the quarter.

Having congratulated the Environmental Health Team for getting the delivery of work within the approved plans back on target following the difficulties experienced in Covid, the Committee noted the contents of the report.

30 SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2024-25

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 2024-25.

The Committee were reminded that 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. Brief details of the regulatory controls included within the Plan were then provided for Members of the Committee.

Members were informed that on 1st April 2024 there were 1654 food businesses registered in Huntingdonshire, which was a reduction of 88 businesses compared to the previous year. The Committee noted that the main priority for the year would be the continuation of the inspection programme which was largely back on track following the suspension and catch-up period after the global pandemic. The Service would also continue with the other activities such as requests for service, giving advice to businesses, investigating infectious disease and the follow up of any food alerts for action.

Members also noted the intention to continue with the presentation of monitoring reports to the Committee on a quarterly basis and that these would include the same performance indicators as in the previous year.

Whereupon, it was

RESOLVED

- a) that the Service Plan for Food Law Enforcement 2024-25 be approved in accordance with the Council's Constitution; and
- b) that quarterly monitoring reports be requested to monitor progress against the Service Plan.

31 SERVICE PLAN FOR HEALTH AND SAFETY REGULATION

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 2024-25 Draft Service Plan for Health and Safety Regulation.

The Committee was advised that the 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.

Having noted that the Authority did not have a duty to enforce Health and Safety in every type of business, the Committee were advised the Service Plans priorities were influenced by the content of the National Local Authority Enforcement Code, the Local Authority Circular 67/2 and the Corporate Plan 2023-28. Members note 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.

The Committee were advised that the Authorities main activity for the forthcoming year would be responding to service requests as they came in. However, it was also intended to deliver a programme of targeted and regulatory interventions relating to inflatable amusement devices, electrical safety in hospitality settings, cooling towers in built up areas and safety in marina settings.

Members also noted that performance reports would continue to be presented to the Committee on a quarterly basis.

Having agreed to check the reference to the number of large market towns with the District, it was

RESOLVED

- (a) that the Service Plan for Health and Safety Regulation 2024-25 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 Committee.

32 SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

With the assistance of a report by the Licensing Team (a copy of which is appended in the Minute Book) the Committee received and noted the details of actions which had been taken under delegated authority during the period 11th January to 1st May 2024.

In considering the contents of the report, the Committee noted the number of immediate suspensions listed at the end of April and were advised that work was ongoing within the Licensing team to look at an operator who were not considered to be taking care of their vehicles in a safe and suitable way. In response to members questions, the Licensing Manager also provided an explanation of the ways in which vehicle defects were identified.

Members were informed that there were currently no outstanding licensing decisions awaiting a court date. The last case was withdrawn the day before the applicant was due to appear in court.

33 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 details of a meeting of the Licensing Sub Committee which had taken place since their last meeting.

34 ST NEOTS PUBLIC SPACE PROTECTION ORDER

The Committee received a verbal update on a proposal to undertake a public consultation exercise regarding the possible implementation of a Public Space Protection Order (PSPO) to address issues being experienced with anti-social behaviour in a specific area of the Eynesbury ward in St Neots.

Having received a briefing on the background to the proposal, the Committee were provided with further details regarding the specific locations and the non-criminal behaviours which were intended to be addressed by the Order. Although these were subject to change, depending on the outcome of the public consultation.

In terms of the consultation exercise, the Committee were advised that this would include residents, local businesses and elected members and in response to their questions it was noted that the current intention was for any Order to be in place for a period of 3 years. Enforcement would be undertaken jointly by the Police and the District Council.

Having noted that the implementation of a Public Space Protection Order would need to be approved by the Licensing and Protection Committee, Members were also informed of the intention to convene a Special Meeting of the Committee in advance of the August recess, and it was hoped to circulate a date shortly.

35 ST NEOTS CIVIL INJUNCTION

The Committee received a verbal update on proposals to consult on the possible implementation of a Civil Injunction under the Anti-Social Behaviour, Crime and Policing Act 2014 to address ongoing problems being experienced in St Neots High Street with youths climbing onto the roofs of business premises in the area. It was intended that this would cover the whole of the high street area and include any persons yet unknown. Members would be provided with further details as part of the consultation.

Chair