

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in **GROUND FLOOR MEETING ROOMS (CONINGSBY AND BOURN), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **WEDNESDAY, 19 MARCH 2025** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

## **AGENDA**

### **APOLOGIES**

**1. MINUTES** (Pages 5 - 12)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 16th October 2024.

**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. CORPORATE ENFORCEMENT POLICY** (Pages 13 - 36)

To consider a report by the Public Protection Manager to which is appended a revised Corporate Enforcement Policy for approval.

**Contact Officer: C Deeth - (01480) 388233**

**4. PUBLIC SPACE PROTECTION ORDERS**

**Contact Officer:**

**(a) St Neots Eynesbury** (Pages 37 - 40)

To receive an update on the Public Spaces Protection Order for Eynesbury which was put into place on 17th July 2024.

**Contact Officer: Georgia Patterson - (01480) 388388**

**(b) Ramsey (Pages 41 - 44)**

To receive an update on the Public Space Protection Order for Ramsey that was put into place on 7th November 2024.

**Contact Officer: Georgia Patterson - (01480) 388388**

**5. LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION TO OFFICERS**

To consider a report by the Public Protection Manager seeking approval of an updated scheme of delegation to reflect internal structure changes – **TO FOLLOW.**

**Contact Officer: Claudia Deeth - (01480) 388233**

**6. SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 45 - 50)**

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

**Contact Officer: Licensing - (01480) 387075**

**7. LICENSING AND PROTECTION SUB COMMITTEES (Pages 51 - 52)**

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

**Contact Officer: Democratic Services - (01480) 388169**

11th day of March 2025

***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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**Please contact Democratic Services, Tel: 01480 388169 / email: [Democratic.Services@huntingdonshire.gov.uk](mailto:Democratic.Services@huntingdonshire.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.**

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the [District Council's website](#).

### **Emergency Procedure**

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in the THE GROUND FLOOR MEETING ROOMS (CONINGSBY/ BOURN ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN on Wednesday, 16 October 2024.

PRESENT: Councillor N Wells – Chair.

Councillors B S Banks, J Clarke, S J Criswell,  
S W Ferguson, I D Gardener, S A Howell, P A Jordan,  
P Kadewere and D Terry.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors M L Beuttell and A E Costello.

### 6 MINUTES

The Minutes of the meetings held on 15th and 22nd May 2024 and the Extraordinary Meeting held on 27th June 2024 were approved as a correct record and signed by the Chair.

### 7 MEMBERS INTERESTS

No declarations were received.

### 8 PUBLIC SPACE PROTECTION ORDER (RAMSEY)

With the assistance of a report by the Community Safety Partnership Delivery Officer (a copy of which is appended in the Minute Book) the Committee considered a proposal for the implementation of a Public Space Protection Order (PSPO) in response to increasing incidents of anti-social behaviour in Ramsey Great Whyte and some surrounding areas.

The Committee were advised of the background to the proposal, together with the types of behaviours which residents and visitors to the area were experiencing. Information on the efforts which had already been undertaken to address the issues arising within the locality was also provided.

Members were informed that a public consultation on the proposal had been carried out between 9th and 23rd September and had generated 328 responses. Three hundred and seventeen of which had been in support of the proposed PSPO and its suggested conditions. There had been three individuals who disagreed or strongly disagreed. A full list of consultees was set out in Appendix C to the report.

Attention was then drawn to the proposed prohibitions which would form part of the Order and were set out in detail in Appendix B to the report, together with the proposed location which was set out in Appendix A. Members were advised that the location had been informed by Police and local authority data on the

whereabouts of reported issues, together with pre-emptive thoughts on where some of the behaviours may be displaced.

The Committee were informed that enforcement of the proposed PSPO would utilise joint resources from Cambridgeshire Constabulary and the District Council's Community Protection and Enforcement Team. The Constabulary had already committed to this within the first month of the Order through regular patrolling of the area. The District Council's Community Action team would respond to reports of anti-social behaviour retrospectively. It was also reported that regular review meetings would be held between the Constabulary and the District Council to review the enforcement of the order, together with the efficacy of its conditions in reducing anti-social behaviour in the area.

Members attention was then drawn to the enforcement options which were available to the District Council to address this anti-social behaviour under the Crime and Policing Act 2014, and which had been considered in determining the preferred option for addressing the issues in the area. Attention was also drawn to the risks associated with the PSPO should it be approved, which were outlined in detail in Section 4 of the report, together with the proposed timetable for its implementation.

The Community Safety Partnership Delivery Officer was then invited to provide a more detailed summary on the results of the consultation exercise, the responses received, and the comments made in response to each question. The Committee were advised that overall, residents and business owners were highly supportive of the proposed Public Space Protection Order.

In discussing the proposals and specifically the consultation responses, Councillor Jordan queried the absence of Mill House and Mill Lane from the proposed PSPO area. In response it was reported that the Police did not have the statistics to support the Order in the Mill Park area, but this could be reconsidered and extended if there was any displacement from the surrounding areas. Comments were also made regarding the walkway which connected the secondary school and the new housing estate which was regularly used by school aged children. It was acknowledged that the consultation had provided good supporting evidence for its inclusion within the area covered by the Order

In response to the comments made by a member regarding the problems which were being experienced outside the library and the B&M store relating to dog control, the Committee were advised that a Public Space Protection Order was already in place for this location to address dog related issues. Residents were encouraged to report any ongoing issues to the Community Action Team.

In more general terms, members commented on the value of Public Space Protection Orders in tackling issues relating to anti-social behaviour issues and welcomed the commitment by Cambridgeshire Constabulary to actively patrol the area particularly during the first month. The Committee were also advised that the implementation of the Order would be publicised through the use of social media and signage within the area providing details of the conditions and exact locations.

In response to a specific question regarding the public houses within the town centre, the Committee were advised that any open vessels over the boundaries of the Public House would be in breach of the PSPO.

Having agreed to amend the recommendations to reflect the fact that a Public Space Protection Order could not be put in place for more than three years duration, it was

#### RESOLVED

- a) that the proposed Public Space Protection Order for Ramsey be approved for a three-year period;
- b) that the proposed Public Space Protection Order boundaries (as outlined in Appendix A to the report now submitted) be approved;
- c) that the proposed Public Space Protection Order conditions (as outlined in Appendix B to the report now submitted) be approved;
- d) that authority be delegated to the Community Services Manager to make minor amendments or variations to the conditions and scope of the Order.

### **9 REVIEW OF THE PUBLIC SPACES PROTECTION ORDER EYNESBURY**

Further to Minute No. 24/5, consideration was given to a report by the Community Action Team Leader (a copy of which is appended in the Minute Book) updating the Committee on the impact of the Public Space Protection Order (PSPO) which had been implemented in Eynesbury to tackle anti-social behaviour.

Having noted that the Order had been in effect since 17th July 2024, Members were informed that the PSPO has been enforced effectively with excellent results. It was reported that the removal of an individual camping in the Churchyard who had been in breach of the Order had resulted in a reduction in the number of incidents occurring and there had been no reports of camping at the location since.

Members were informed that following the implementation of the Order, an overt CCTV camera had been erected on the corner of Berkley Street to identify offenders breaching conditions and to act as a deterrent for offending behaviour. The District Council had committed to fund this camera for the first six months, after which time the need for its further use would be reviewed

The Committee were also advised that the targeted response from the Constabulary had been very proactive. Two separate teams had been out to the location – the St Neots Neighbourhood Policing Team and the Anti-Social Behaviour Policing Team to patrol and respond to reports of incidents which had been reducing in nature.

Having been provided with the details of a list of incidents reported to the Police within the vicinity between July and September, Members were advised that there had been five since the Order had been put in place only one of which had been related to Street drinking.

Members attention was also drawn to the general public engagement between the Constabulary, District Council and local residents. It was reported that in August representatives from all organisations including local councillors had engaged with local residents to receive feedback and to provide updates on the implementation of the Order and the use of the Nags Head. Local residents had reported that they were reassured on actions taken so far.

With regard to the longer-term retainment of the Order, the Committee were advised that it would remain in place until July 2028, at which time the Community Action Team would undertake further consultation to determine whether there was a need to extend its duration.

In commenting on the Order, Members suggested that the implementation of the Order demonstrated that the District Council takes clear action to address the impact of anti-social behaviour within its communities. Whilst Councillor Terry made reference to his recent discussions with residents in the area who were grateful for what has been put in place to address the ongoing incidents and had had an immediate effect. The Executive Councillor, Councillor S W Ferguson also referred to his meetings with residents in the area, which he would continue to ensure that there was no reoccurrence of any issues.

## **10 DELEGATION OF PUBLIC SPACE PROTECTION ORDERS (PSPOS) TO OFFICERS**

With the assistance of a report by the Community Services Manager (a copy of which is appended in the Minute Book), the Committee considered a proposal to delegate authority to the Community Services Manager to approve or reject the implementation of a Public Space Protection Order (PSPO) following public consultation.

By way of background, the Committee were reminded that a decision on whether to support a PSPO was currently a matter for determination by the Licensing and Protection Committee. However, in the interests of being able to implement prohibitions in a timelier manner and to minimise the impact that incidents of anti-social behaviour were having on the District, it was proposed to amend the current process to enable the Community Services Manager to determine whether the threshold for a PSPO had been met.

The Committee were advised that in line with the statutory guidance consultation would be undertaken with residents or businesses who may be affected by the order in addition to relevant Town or Parish Councils, Ward Members, Executive Councillors, County Councillors, partner agencies, the Chief of Police, the Police and Crime Commissioner and members of the Licensing and Protection Committee.

Having noted the Licensing and Protection Committee would be consulted as part of this process, the Committee were advised that the usual practice for a delegation would be that it would be given to a senior officer for the Council after consultation with an Executive councillor and/or Committee Chair. With this in mind and on the advice of the Deputy Monitoring Officer, it was proposed that the wording of the delegation set out in paragraph 5.2 of the report be amended to:



*The Community Services Manager be authorised to create, implement and maintain policies, procedures and orders arising from the Public Space Orders under the 2014 Act after Consultation with the relevant Executive Councillor and the Chair of the Licensing and Protection Committee.*

Having noted that the Executive Councillor was supportive of the proposal and the intention to submit regular reports to meetings of the Licensing and Protection Committee, it was also acknowledged the Committee members would be able to provide any comments to the Chair during the consultation process.

Whereupon it was

RESOLVED

- a) that authority be delegated to the Community Services Manager, following consultation to support or reject applications for Public Space Protection Orders; and
- b) that further authority be delegated to the Community Services Manager, following consultation to vary the prohibitions contained within an Order.

In concluding the discussion on this item, the Executive Councillor took the opportunity to inform the Committee that Mr Ashley Dolling, the Council's Community Action Team Leader would be leaving the Council's employment at the end of the week. The Committee agreed to record their thanks to Mr Dolling for his hard work over the past four years.

## **11 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 first and second quarters of 2024/25.

With regards to the Food Law Enforcement Plan, the Committee were advised that the main focus of the service plan continued to be the planned routine inspections of food businesses. With this in mind, Members were advised that a total of 393 food hygiene inspections had been undertaken for the first half of the year and exceeded the level predicted. Members also noted that there had been 141 new food business registrations received which reflected the continuing flux in this area.

Work had also been continuing to review the list of Category E (low risk) businesses that remained overdue for inspection. The process for sending out questionnaires to these premises under the Alternative Enforcement Strategy had also been reviewed and digitised, the first 23 of these had been issued in Quarter 2.

The Committee were informed that there had been sixteen compliance checks undertaken across the two periods, which was in line with expected activity.

Attention was also drawn to a successful prosecution for food hygiene offences during the period, the details of which were provided to Members.

Members also noted that requests for rescoring continued to be higher than anticipated which demonstrated that businesses were striving to obtain the highest hygiene ratings.

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 'Unpasteurised and Pasteurised milk cheeses'.

With regards to Health and Safety activity within the periods, it was noted that the majority of the work undertaken was reactive. There were 21 accidents reported, of which 9 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 72 other service requests responded to, the majority of which were licensing consultations, and 18 skin piercing registrations issued for premises and practitioners. Details of the implementation of a new licensing regime for non-surgical cosmetic practitioners were still awaited.

The Committee were also informed that Officers from the Environmental Health team had undertaken visits to 14 funeral directors within the District during June and July 2024, following the incident at Legacy Independent Funeral Directors in Hull. This had not been reflected in the Service Plan.

In considering the contents of the report, Members welcomed the clear message that the prosecution of businesses who failed to maintain appropriate standards of hygiene and cleanliness conveyed to other business within the district. An explanation of the warning regime was also provided, together with the ways in which residents could check the food hygiene ratings awarded to an individual business online

Finally, the Executive Councillor for Resident Services and Corporate Performance conveyed his congratulations to the Environmental Health Team for the successful completion of their Covid Recovery Plan and a return to business as normal.

## **12 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 1st May to 30th September 2024.

The Committee were advised that the report now included details of Penalty Points which had been issued, a sanction which had been introduced under the revised Hackney Carriage and Private Hire Licensing Policy and enabled the Team to build up a picture of driver behaviour.

## **13 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 and Protection Sub Committee which had taken place since their last meeting.

Chair

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**Public**  
**Key Decision – No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** Corporate Enforcement Policy

**Meeting/Date:** Licensing and Protection Committee –  
Wednesday 19<sup>th</sup> March 2025

**Executive Portfolio:** Executive Councillor for Resident Services and  
Corporate Performance

**Report by:** Claudia Deeth, Public Protection Manager

**Ward(s) affected:** All

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### **Executive Summary:**

Huntingdonshire District Council is responsible for enforcing a wide range of statutory provisions. The current Corporate Enforcement Policy was approved in February 2018 and an internal audit carried out in 2024 identified an action to review and amend the policy to reflect necessary changes.

This report presents for approval a revised and updated Corporate Enforcement Policy that is intended to be applied across Council services that have an enforcement function. This policy explains how the Council's regulatory and enforcement activities will be carried out and what individuals and businesses can expect from Council services who are involved in enforcement.

The Council believes that fair and effective enforcement is essential for protecting residents, businesses and communities. The policy details the approach that will be taken by Officers when dealing with breaches of regulations but does not specify individual processes and procedures as these will vary depending on the legislation being utilised.

### **Recommendation(s):**

**The Committee is recommended to:**

- 1. approve the revised Corporate Enforcement Policy.**
- 2. delegate authority to the Head of Planning, Infrastructure and Public Protection to make minor editorial changes to the Corporate Enforcement Policy should this be deemed necessary.**

3. **delegate to the Head of Planning, Infrastructure and Public Protection in consultation with the relevant Executive Councillors, amendments to operating procedures in light of changes resulting from revocations, amendments, or enactments of relevant statutory provisions; changes in statutory guidance, or best practice.**

## **1. PURPOSE OF THE REPORT**

- 1.1 The Council has statutory responsibility for the regulation of a wide range of activities which impact upon our residents, visitors, communities and businesses. These include environmental health, licencing and planning. In addition, the Council is also responsible for developing and implementing local regulations covering issues such as dog control.
- 1.2 It is essential that the Council has an effective and efficient enforcement process that operates with due efficacy. It is the intention of the Policy to outline what residents as well as Members can expect to happen should a breach be reported and an investigation commenced.
- 1.3 It is not the purpose of the Policy to detail the processes and procedures that will be followed by each enforcing service as these will be specific to the legislation being applied. The intention is to outline the approach that will be taken by authorised officers when dealing with regulatory matters.

## **2. BACKGROUND**

- 2.1 The current Corporate Enforcement Policy was approved in February 2018 and an internal audit of enforcement activity across the Council identified that a review of the Policy was necessary.

## **3. KEY IMPACTS / RISKS**

- 3.1 With the adoption of a singular Corporate Enforcement Policy in 2018, we have been able to demonstrate the value of certainty and consistency when responding to issues relating to regulatory compliance. This was further supported by the internal audit completed in 2024 and evidenced the benefits of having a Policy that was reviewed regularly to ensure that it remained current.
- 3.2 The revised Policy will continue to help reduce the risk of process failures or resident/ business confusion on potential enforcement outcomes that could be implemented.

## **4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- 4.1 As a revision of the current Corporate Enforcement Policy, the amended Policy requires approval from the Licensing and Protection Committee. Once, approved, the policy will become effective immediately and will be regularly reviewed to ensure that it remains current.

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

[\*\(See Corporate Plan\)\*](#)

- 5.1 The Policy will contribute to the Council achieving their priorities set out within the 2023-28 Corporate Plan, these being:

- Priority 1: Improving quality of life for local people.
- Priority 2: Creating a better Huntingdonshire for future generations.
- Priority 3: Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

## **6. CONSULTATION**

- 6.1 Lead Officers for the services to which the Policy will apply have been consulted on the amendments that have been made.

## **7. LEGAL IMPLICATIONS**

- 7.1 The policy itself will be compliant with the general principles and objectives of national regulatory guidance, with Officers giving due consideration to detailed regulatory provisions relevant to that case when determining appropriate action on resolving a breach.

## **8. RESOURCE IMPLICATIONS**

- 8.1 The Policy will ensure that Officer resource is focused on clear prioritised and timely actions, with the expectation of responsiveness from those in breach. This should lead to more efficient and effective working on 'lean' principles within existing resource capacity.

## **9. REASONS FOR THE RECOMMENDED DECISIONS**

- 9.1 The benefits for the Council of having a Corporate Enforcement Policy has been evidenced through the extensive and successful enforcement activities that have been carried out by the enforcing services since the previous Policy was adopted. To ensure that this structured and proactive approach to breaches of regulations continues, it is imperative that Officers have an overarching Policy that they are able to apply.

## **10. BACKGROUND PAPERS**

Huntingdonshire District Council Corporate Enforcement Policy February 2018.

### **CONTACT OFFICER**

Name/Job Title: Claudia Deeth/ Public Protection Manager  
 Tel No: 01480 388233/ 07810 637595  
 Email: claudia.deeth@huntingdonshire.gov.uk



## **1.0 Introduction**

Huntingdonshire District Council is committed to improving the quality of life for local people, to create a better Huntingdonshire for future generations and to deliver good quality services. The appearance of the district is incredibly important, and we want to create places that are clean, green and safe where residents are proud to live and work.

The Council is responsible for enforcing a wide range of statutory provisions. This policy explains how the Council's regulatory and enforcement activities will be carried out and what individuals and businesses can expect from Council services who are involved in enforcement. Fair and effective enforcement is essential for protecting residents, businesses and communities. This includes health and safety, the environment, business and legitimate economic interests.

Our 2023 – 28 Corporate Plan is made up of three key priorities:

- Priority 1: To improve the quality of life for local people.
- Priority 2: Creating a better Huntingdonshire for future generations.
- Priority 3: Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

To help us achieve these priorities, it is important that the Council utilises the legislative tools and powers available to them to investigate and take enforcement action where deemed necessary. The purpose of the Corporate Enforcement Policy is to create an overarching document for all types of enforcement activity undertaken by the Council. This policy will be supplemented by more detailed enforcement procedures that relate to specific service areas and officers will ensure that they follow such procedures as well as consult nationally published enforcement guidance.

## **2.0 Purpose of the Policy**

This policy replaces the previous Corporate Enforcement Policy adopted in 2018 and aims to set out the standards that will be applied and what residents, businesses, consumers and workers can expect from Huntingdonshire District Council. This policy also sets out the approach to be followed by authorised Officers when making decisions in respect of the Council's compliance and enforcement activities. The Council is committed to ensuring that all authorised officers will act in accordance with this policy.

## **3.0 Scope of the Policy**

This policy is the overarching enforcement policy for the Council. It outlines the approach to enforcement and lays down the principles which will be followed in deciding upon and taking action.

Enforcement includes any criminal or civil action taken by the Council aimed at ensuring that individuals or businesses comply with the law. This policy has been set in accordance with the Regulator's Compliance Code and the Statutory Code of

Practice for Regulators. This means that the Council will be open, helpful, fair and careful to ensure that any action required by the Council is proportionate to the risks.

The Council has set out its strategic aims and objectives and its enforcement services will carry out their duties in support of these. This approach is intended to provide better information to businesses and the community and, by doing so, lend support to the Council's efforts to deliver best value services.

Council services will work with and consult other agencies, and other service areas within the Council, as necessary where there is a shared or complementary enforcement role.

Officers will take reasonable steps to assist businesses and individuals to comply with the law. However, officers will be prepared to ensure compliance by exercising the formal powers delegated to them in the Council's Scheme of Delegation including, where appropriate, prosecution.

In certain circumstances the Council will seek to raise awareness and increase compliance levels by publicising unlawful trade practices or criminal activity. Where appropriate the results of specific court cases may also be published.

The policy will cover the following service areas:

- Public Protection (Community Safety including Anti-Social Behaviour, Environmental Crime and Dog Control)
- Licensing (Animal licensing, personal, premises and event licenses, Hackney Carriage and Private Hire regulation)
- Environmental Health (including food safety, pollution control, nuisance, Health and Safety, Private Sector Housing)
- Planning and Development Management

This is intended to be an indicative rather than an exhaustive list and will be subject to change over time should the Council's regulatory duties change in the light of legislation, statutory guidance or case law. The policy will not include enforcement activities linked to off-street parking, benefit issues, fraud and serious crime, which are covered by service-specific protocols.

#### **4.0 Principles of Good Enforcement**

The Council aims to undertake its regulatory and enforcement role in an impartial, open, and consistent manner. This is achieved through appropriate engagement, education, mediation, advice, inspections, monitoring, and by regulating the activities of individuals and businesses on a case-by-case basis.

Compliance is secured through informal and formal action and, if necessary, through the courts via a prosecution.

The Council will work to ensure compliance with the law by:

- Helping and encouraging businesses and individuals to understand their responsibilities by providing the necessary advice and guidance to allow them to comply with the law,

- Responding proportionately and fairly to breaches of the law, and
- Using the Council's service planning process to ensure that resources and regulatory activities are appropriately targeted to where they will have the greatest impact considering the associated risks.

In accordance with the Legislative and Regulatory Reform Act 2006 any officer authorised by Huntingdonshire District Council to undertake regulatory functions will have regard to the following key principles for good enforcement:

- An open, fair and proportionate approach will be taken in dealing with breaches of legislation which are regulated and enforced by the Council. Raising awareness and promoting good practice in regulated areas is the first step in preventing breaches, and officers of the Council will signpost to guidance on aspects of the law where requested to do so.
- Best efforts will be used to resolve any issues where the law may have been broken without taking formal action or referring the matter to the courts when the circumstances indicate that a minor offence may have been committed and the Council is confident that appropriate corrective action will be taken. However, there may be occasions when the breach is considered to be serious and/or where informal action is not appropriate. In such cases immediate enforcement action may be taken without prior notice and as noted above some services have specific Legislative Guidance and Regulations which set out the enforcement requirements in these services.
- Advice regarding the non-compliance, the actions required, and decisions taken at the time of our intervention, along with the reasons for these will be clearly explained. An opportunity to discuss the Council's course of action will be provided to ensure actions are proportionate and consistent. As stated in the previous paragraph, where immediate enforcement action is required, the opportunity for discussion may not be given where there is a serious breach or risk to public health or safety.
- Officers investigate potential breaches of legislation, and they are responsible for managing investigations and making decisions on enforcement action. As part of this process, they may consult with colleagues and managers in determining the best and most appropriate course of action. Officers have the power to use a variety of legislation in the course of their duties, and these have been delegated to them by Chief Officers. The Council's Scheme of Delegation can be found here [Constitution](#). In relation to prosecutions, where relevant, officers' cases are reviewed by a manager in line with the enforcement policy before submitting to 3C Legal Service for consideration.

- In some instances, the Council may have shared responsibilities or a complementary role with another enforcement agency, such as Cambridgeshire Constabulary. In these circumstances, officers will liaise with that other agency to ensure effective co-ordination, to avoid inconsistencies and to ensure that any proceedings taken are proportionate and appropriate.
- The Council will be fair, objective and consistent in its approach to enforcement by following the criteria and guidance set down in relevant legislation and codes of practice. Further information on the Council's approach to equality and diversity can be found here [Equality - Huntingdonshire.gov.uk](http://Huntingdonshire.gov.uk)
- The Council may publicise information about enforcement action that is taken in line with Government guidance on publishing sentencing outcomes. This is usually once an investigation has been concluded via a successful prosecution in Court. Any news releases of this nature are normally sent electronically by our Communications Team to newspapers. Such information may also be publicised on the Council's website and via other social media.

## **5.0 How Action Taken is Determined**

Where evidence is found that a business or other regulated person is showing flagrant disregard for the law by deliberately or persistently failing to comply with advice or requests made by the Council, it may be deemed that informal action is not appropriate. Under these circumstances enforcement action may be escalated directly to prosecution or other more severe sanctions where available.

- Where there is specific Legislative Guidance and Regulations which set out the enforcement requirements these will be followed.
- Where a business or other regulated person contacts the Council to ask for advice and it transpires that a breach of legislation is present at the premises, the most appropriate course of action will be determined.
- If it is clear the business or regulated person is keen to resolve the non-compliance quickly, taking on board and completing the steps recommended by the Council, an informal approach is likely to be taken as opposed to triggering enforcement action. However, if there is a serious breach and/or an imminent risk to public health or safety, enforcement action may still have to be taken but the Council will seek to work with the business or regulated person to resolve the problem as quickly as possible.

## **6.0 Factors that Influence our response to Breaches**

Where a breach of legislation is being investigated the approach taken will be proportionate and will take account of factors such as business size and capacity.

- If the Council has provided advice or guidance to a business or regulated person, our officers will make the necessary checks to ensure that, where this relates to a legal requirement rather than best practice, the non-compliance has been rectified.
- The Council may receive referrals from other enforcement bodies which require investigation. These referrals will typically be a result of the other bodies' inspections or investigations, or intelligence which they have received. The Council will also refer to other enforcement bodies where breaches of legislation which are dealt with by that body are found.

## **7.0 Non-Compliance**

Where a complaint of non-compliance relating to a business, or other regulated person, is received the officers investigating this breach will assess the information received and may make further enquiries to determine whether a complaint requires investigation. In assessing a complaint, officers may consult colleagues and managers to help assess what risk may be involved and this will determine what action is taken.

## **8.0 Conduct of Investigations**

Enforcement action may result in either civil or criminal proceedings being instigated by the Council. The process that will be followed by officers in the investigation of alleged breaches of the law will depend on which branch of law the investigation is being conducted under. As the enforcing authority in any proceedings it instigates, the burden of proof falls to the Council.

Investigations will be carried out in compliance with the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Huntingdonshire District Council:

- the Criminal Procedure and Investigations Act 1996;
- the Regulation of Investigatory Powers Act 2000;
- the Criminal Justice and Police Act 2001;
- the Human Rights Act 1998;
- the Equality Act 2010;
- the Police and Criminal Evidence Act 1984.

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants. The authorised officers of the Council will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

## **9.0 Authorised Officers**

There are numerous pieces of legislation which the Council as a local authority either has a duty to enforce or adopts and chooses to enforce. The powers available to officers under these different pieces of legislation vary considerably and it is not the purpose of this document to provide an exhaustive list of those powers.

- If officers come across situations where they believe they are being obstructed in carrying out their duties, they will always explain the provisions of the relevant legislation in order to resolve the issue.
- The Council recognises the Primary Authority scheme and where appropriate will communicate with any identified primary authority as part of the enforcement/compliance process.
- In some cases, powers of seizure are used for safety and evidence gathering purposes. Where articles are removed for any of these purposes a receipt or notice will be given at the time of the inspection or as soon as is practicably possible afterwards.
- Officers do not have the power of arrest; however joint working is undertaken with the Police and other agencies. Instances may arise where the Police or other agencies consider that an arrest should be made in connection with an authorised officer's investigation.
- Any questioning of those suspected of having committed an offence will be carried out in line with this policy and the Police and Criminal Evidence Act 1984.
- In respect of Legislation in England that contains criminal offences, there are strict time limits beyond which the law prevents proceedings being instituted. These time limits vary and are stated in the relevant legislation.
- In relevant cases where either criminal or civil proceedings are intended to be brought by the Council a report will be prepared containing all relevant evidence that has been gathered during an investigation. This report will be reviewed by a manager and will also be reviewed by 3C Legal Services before any proceedings are commenced.

## **10.0 Progress of Investigations**

Officers carrying out investigations will keep complainants, alleged offenders and witnesses informed about the progress of any investigation as far as their involvement in the process is concerned.

## **11.0 Enforcement Action that the Council may Utilise**

There are a range of actions that are available to the Council as set out in the different legislation the Council enforces. Examples of the main types of actions which may be considered are set out below.

### **a) Compliance Advice, Guidance and Support**

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction, but it may be presented in evidence.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

#### b) Voluntary Undertakings

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

#### c) Statutory (Legal) Notices

The Council has powers to issue statutory notices in respect of many breaches. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default. A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals/representation process and any charges applicable will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

#### d) Fixed Penalty Notices

The Council has powers to issue Fixed Penalty Notices (FPN) or civil penalty notices in respect of some breaches. Payment of a FPN does not result in a criminal conviction and therefore does not appear on an individual's criminal record. If a FPN is not paid, the Council may commence criminal proceedings in respect of the breach or take civil enforcement action to recover the penalty charge subject to the provisions of the relevant legislation. If a FPN is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a FPN does not provide immunity from prosecution in respect of similar or recurrent breaches. The Council is only able to issue FPNs where it has specific powers to do so. If FPNs are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a FPN.

#### e) Injunctive Actions, Enforcement Orders

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

#### f) Simple Caution

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council is likely to consider prosecution.

A simple caution will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

#### g) Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s). If the evidential test is satisfied a prosecution will usually take place unless there are public interest factors against prosecution which outweigh those in favour.

The more serious the offence or the offender's record of breaches/ criminal behaviour, the more likely it is that prosecution will be required in the public interest. Assessing the public interest is not merely a matter of adding up the number of factors on each side and seeing which has the greater number. The public interest must be decided on the merits of each individual case and making an overall assessment. It is quite possible that one factor alone may outweigh a number of other factors which tend in the opposite direction.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.



## h) Refusal/Suspension/Revocation of Licences

- The Council issues a number of different Licences, Consents, Registrations and permits. They are applied for by submission of an application, the form and content of which is sometimes specified in law. Applications are generally granted for a defined period and will need to be renewed periodically.
- The Council may be permitted to ask supplementary questions on an application form in order to assist it in reaching a decision on whether the applicant is a fit and proper person to hold such a Licence.
- In some cases, applications are subject to either a public or interested party consultation process and any application that attracts adverse comment or objection or does not meet Council policy requirements will be referred to the Licensing and Protection Committee.
- Most licences and other permissions have conditions attached which can be standard conditions or specific conditions or a combination of both. These conditions form part of the licence and lay down requirements that a business or individual must have regard to when trading. Breach of a condition may be a civil or criminal matter.

When considering applications, information supplied with the application together with any previous enforcement action and compliance record can be taken into account when reaching a decision.

### **12.0 How we Determine what Enforcement Action to Use**

In assessing what enforcement action is necessary and proportionate consideration will be given to:

- 1) aim to change the behaviour of the offender and reduce the likelihood of repeat offences;
- 2) The impact that the offending behaviour has had on the victim/s and the location.
- 3) aim to eliminate any financial gain or benefit from non-compliance;
- 4) be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- 5) be proportionate to the nature of the offence and the harm caused;
- 6) aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
- 7) aim to deter future non-compliance. Where appropriate decisions about what enforcement action is to be taken may involve consultation between:
  - (a) Investigating Officer(s)
  - (b) Senior Managers
  - (c) 3C Legal Services

The decision to prosecute a case will be taken by those with authority to do so in accordance with the Council's Scheme of Delegations. Before making the decision to

prosecute, authorised officers will ensure that there is sufficient evidence to demonstrate that one or more of the following factors are present in a case:

- a deliberate breach/ offence has taken place;
- the health or safety of consumers/ residents/ members of the public has been significantly jeopardised/ put at risk (or could have been);
- the offence is a serious one; the attitude of the offender towards the offence and the offender's history of previous behaviour warrants action;
- there has been an apparent reckless disregard of standards or repeated breaches;
- there has been a blatant disregard of notices, information, advice or guidance;
- the standard of the offenders' activities falls significantly below that imposed by legislation and that generally prevailing in the particular business sector;
- creating a public nuisance;
- causing disamenity to the local area.

### **13.0 How are Decisions Communicated to those Affected**

The Council will provide a timely explanation in writing of any rights to representation or appeal, and information on the process involved.

### **14.0 Review of this Policy**

This policy will be reviewed periodically or in line with changes in relevant legislation, or Regulators Code.

# Corporate Enforcement Policy

## Purpose of the Policy

The purpose of this policy is to provide certainty and consistency in an over-arching framework that explains the Council's approach to its regulatory duties, guides Officers in enforcement work and offers insight into the role of enforcement in the achievement of the Council's wider strategic objectives. The policy will help us achieve transparency and consistency and make sure that enforcement is effective and proportionate. It will help keep the public and environment safe while supporting the general aim of enabling growth.

## Aim of the Policy

The aim of this policy is to establish a regulatory and enforcement framework that enables the Huntingdonshire area to be successful by ensuring expedient compliance with the various regulatory regimes within which the Council provides its services. In delivering effective regulation and enforcement, we will be proportionate, transparent, fair and effective, working at the lowest possible level to help individuals and businesses comply with the law and the associated regulatory guidance.

Establishing this policy is intended to clarify the Council's potential responses to different forms of regulatory breach without restricting its enforcement options.

The intent of the policy is to be clear that, in regulating activities, the Council will work with those being regulated to help achieve compliance. It is also to set clear expectations that, if required, the Council will escalate actions and take enforcement is non-compliance continues. We will be clear about process and clear about whether particular activities can continue or need to be ceased.

## Helping to Deliver Huntingdonshire's Priorities

Effective regulation and appropriate enforcement linked with this policy will contribute to the delivery of Huntingdonshire District Council's strategic aims. This policy will make specific contributions to Huntingdonshire's priorities as outlined below:

### Enabling Communities

Objective: - Create, protect and enhance our safe and clean built and green environment

Regulatory services impact on the environment and the use of land and premises. Effective regulation and enforcement will help protect these and make sure that individuals and businesses act responsibly when accessing and interacting with the environment.

### **Delivering Sustainable Growth**

Objective: - Accelerate business growth and investment

Objective: - Support development of infrastructure to enable growth

Our aim is to develop and operate regulatory and enforcement services which help, not hinder businesses in their operation and growth. We aim to ensure compliance with the law through the provision of a range of services including, advice, information and appropriate support - with targeted and proportionate enforcement only when necessary.

### **Becoming a More Efficient and Effective Council**

Objective: - Become more efficient and effective in the way we deliver services

Objective: - Become a customer focused organisation

The development and delivery of a corporate enforcement policy will help us focus on issues which are important and reflect the needs of our community, helping individuals and businesses comply with their legal responsibilities. This approach will help us become more efficient, removing duplication, streamlining processes and ensuring consistency and certainty of approach as we work within multiple legal frameworks.

### **Scope of the Policy**

This policy provides an over-arching framework for enforcement linked to the Council's regulatory duties so will provide a banner under which these services operate. It will establish a set of common principles and objectives within which these will be provided, allowing our customers to understand our approach and have a reasonable expectation of how we will carry out regulatory and enforcement activity, whatever specific services are involved.

Some of our work is governed by specific legislation and statutory guidance which sets out prescribed procedural approaches which must be followed. This policy is not intended to over-write or contradict these, rather it is to explain the Council's approach to regulation and enforcement in general terms.

The policy will cover the following service areas:

- Animal Health and Welfare, including dog control;
- Animal licensing;
- Community Safety, including Anti-Social Behaviour and Enviro-Crime;
- Environmental Health, including food safety, pollution control, nuisance;
- Private sector housing ;
- Health and Safety;
- Licensing, including personal, premises and event licences, Hackney carriage and private hire regulation;
- Planning and Development Management

This is intended to be an indicative rather than an exhaustive list and will be subject to change over time should the Council's regulatory duties change in the light of legislation, statutory guidance or case law.

The policy will cover all incidents, accidents, activities, actions or acts of omission by individuals, organisations or businesses which are in breach of legislation and which have the potential, if unchecked, to result in legal action.

The policy will not include enforcement activities linked to off-street parking, benefit issues, fraud and serious crime, which are covered by service-specific protocols.

## **Regulation and Enforcement**

Many aspects of our lives are controlled by the law. The Government has legislated to control individuals, businesses, processes and our impact upon the environment. Generally, this legislation is in place to protect the public and the environment from misuse and hazard. The Council has a statutory duty to monitor, regulate and enforce in a range of areas set out by the Government.

We will take an approach to regulation which is risk-focussed and intelligence-led. Our inspection activities will be targeted at areas, activities, individuals and businesses which pose the most significant risks and we will act appropriately on data and received information to target our work.

We believe that the vast majority of individuals, organisations and businesses want to comply with the law. Wherever possible, we will help them to do so. As a general rule, our contact will be supportive and, wherever possible, we aim to ensure compliance with legislation through the provision of support, advice and information-ensuring that we promote understanding of both statutory responsibilities (minimum

standards) and good practice (desirable standards). Where things have gone wrong, our primary focus will be to ensure that they can be put right and that the public are protected from the impact of poor practice. In all cases, our activities will be delivered in a clearly articulated timescale and our officers will clearly communicate expectations and next steps.

On occasion, it will be necessary for us to take action under the relevant statutory framework. This may be due to finding serious problems, finding issues which present dangers to people or the environment, finding issues which have not been resolved satisfactorily despite previous advice or action, or finding evidence of criminal acts. In these cases, we will act in a manner which is fair, consistent and proportionate to the individual set of circumstances we are dealing with at the time.

## **Our Approach to Enforcement**

Enforcement will aim to protect and enhance the environment of Huntingdonshire and to protect and improve the quality of life of its residents and businesses.

The Council is committed to providing a timely, robust and proportionate, regulation and enforcement system for the issues which we are responsible for. When we are carrying out enforcement activity, we will do so fairly, in accordance with a nationally recognised set of principles, and by officers who are competent, suitably experienced and appropriately authorised to carry out this important work.

Where appropriate, we will work with partners and other appropriate external agencies to assess risk, exchange information, process data and provide appropriate and proportionate enforcement services.

## **Enforcement Principles**

The Council is committed to the principles of good enforcement set out in the Enforcement Concordat and other guidance issued by Government departments.

These principles are:

- **Standards:** We will set clear standards for our level of service and performance. We will monitor our performance and strive to improve;
- **Openness:** We will Provide information on regulations and enforcement practice, discuss compliance failures or problems with anyone experiencing difficulties. We will disseminate information widely and we will be approachable to business;

- **Helpfulness:** We will provide clear advice, confirmed in writing if appropriate. We will distinguish between best practice advice and legal requirements. We will consider providing an opportunity for discussion before formal enforcement action. We will give a clear explanation of the need for any immediate action. We will focus on preventative activity.
- **Complaints:** We will welcome complaints regarding our enforcement and investigate them thoroughly where there are clear material issues;
- **Proportionality:** We will aim to tailor enforcement action to minimise costs of compliance. We will prosecute when proportionate to bring serious offenders to account;
- **Consistency:** We will have effective arrangements to promote consistency and, where appropriate, liaise with other enforcement bodies;

We will apply the principles of the Regulators' Compliance Code to promote an efficient and effective approach to regulatory inspection and enforcement, improving the outcome of regulation without imposing unnecessary burdens on individuals or businesses. These principles are:

- Regulators should allow, or even encourage, economic progress and only intervene when there is a clear case for protection;
- Regulators should use comprehensive risk assessment to concentrate resources on the areas that need them most;
- Regulators should provide authoritative advice easily and cheaply. No inspection should take place without a reason;
- Businesses should not have to give unnecessary information;
- Businesses that persistently break regulations should face meaningful sanctions;
- Regulators should be accountable for the effectiveness of their activities.

If necessary, enforcement may be carried out by the Council, in association with appropriate partners, or through the appropriate Primary Authority if one exists.

## **Responding to Reports of Possible Regulatory Breaches**

Reports of potential breaches will receive an initial assessment in order to determine whether a prioritised (urgent) response is required, whether there is possible

offending taking place and which officers should lead on any necessary investigation and enforcement.

## **Investigations**

Where necessary, we will carry out investigations in order to determine whether the law has been broken and to gather an appropriate amount and standard of evidence to provide a sufficient standard of proof to meet the requirements of the level of enforcement which is deemed appropriate. These investigations will be carried out within a prescribed timescale, dependent upon the nature of the breach.

Investigations may involve: monitoring environmental or other physical data; conducting interviews, either informally or under PACE (Police and Criminal Evidence Act) conditions, taking photographs, taking video recordings; monitoring via overt or covert CCTV, using powers of entry to gain access to premises or other legally available means deemed necessary and proportionate. Investigations will prioritise the early identification of all relevant parties in order that any necessary action will not be delayed unduly.

All investigations will be undertaken in adherence with the relevant statutory requirements of the legislation involved and will be compliant with the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012. All information shared with other agencies will be in accordance with agreed Information Sharing Protocols. All information will be handled in accordance with the Data Protection Act and all current data protection guidance.

## **Enforcement Action**

Being committed to the principles outlined above, wherever possible our approach will be to resolve problems and ensure safe operations and appropriate protection of the public and the environment. We will aim to provide advice and information and be clear in this about the difference between good practice advice and legal requirements. Where intervention is required, we will aim to provide informal interventions, only proceeding to formal interventions and legal action where this is necessary, proportionate and in the public interest. Instances of non-compliance and failure to co-operate will lead to an escalation of action.

Where we take action, this will have the objectives of achieving compliance with the relevant legislation within a reasonable, explicitly stated, timescale and, if appropriate, seeking appropriate redress from the individual, organisation or business which is subject to this action.



Action will be proportionate to the harm caused by the offence. Harm will be assessed in terms of direct impact of the offence and any potential indirect impact.

Informal action could include: providing verbal advice; accepting voluntary undertakings; giving verbal warnings. It is likely that advice requiring improvement works or acceptance of voluntary undertakings to carry out improvements will be time-bound, generally offering a period of up to one month to make such improvements as are deemed appropriate.

Informal action may be deemed appropriate in situations where, for example, a first offence, the offence considered is minor or has low impact, compliance is readily achievable, the offender has sought advice to resolve a problem.

Formal action could include; a warning letter; a 'letter before action' a statutory notice; a fixed penalty notice; amending licence conditions, referral to Licensing Panel; simple caution; civil court proceedings; criminal court proceedings. The requirements of warnings and notices will be time-bound, generally offering a period of up to one month to make such improvements as are deemed appropriate.

Ordinarily, due to evidential requirements, all steps prior to court action will take place in a period of less than six months from the initial identification of a possible offence.

Formal action may be deemed appropriate in situations where, for example, the offence is serious, the offence has a high impact on individuals, the community or the environment, is a repeat offence, previous action has not resulted in compliance, compliance is considered unlikely, statutory process states that this is required.

Generally, formal action would be preceded by an informal stage involving information, advice or warning. However, immediate formal action may be taken in situations where this is appropriate and proportionate.

Where formal action includes court proceedings, the Council will seek to recover its costs following a successful prosecution. In preparing court proceedings, we will consider the appropriateness of the full range of sanctions including (but not limited to) injunctions, restorative justice, and use of the Proceeds of Crime Act against individuals being prosecuted.

These are outlined as examples of possible sanctions and scenarios, not as an exhaustive list.

We will generally aim to enforce at the lowest level which is consistent with achieving compliance or taking sanction against non-compliance. However, in serious cases, in cases where there has been repeated offending, or in cases where initial action has

not been effective in achieving compliance, it may be necessary to take immediate action at higher levels.

When deciding the most appropriate enforcement method, we will consider the full circumstances of each individual case, taking account of a wide range of issues including:

- The seriousness of the situation;
- The circumstances of the case and the likelihood of recurrence;
- The different options for achieving compliance with the relevant law;
- The level of risk to the public and the environment;
- Any relevant previous history of the offender or location, including the existence of existing control measures, e.g. conservation area, area subject to public space protection order;
- The likelihood of achieving a satisfactory outcome;
- Any relevant precedents;
- The attitude of the offender;
- Legal imperatives, e.g. statutory requirements to follow a particular process;
- Relevant guidance;
- The availability of admissible evidence;
- The prevalence of the offence locally or nationally;
- The public interest.

We will put appropriate internal controls and management checks in place to ensure that enforcement activity is appropriately authorised, appropriately recorded, is carried out in accordance with the principles outlined in this policy and we will ensure that all formal enforcement is appropriately authorised, compliant with statute and subject to appropriate quality assurance checks.

### **Enforcement with Other Agencies**

We will liaise appropriately with other agencies in cases where our investigations indicate that there is a possibility that investigation or enforcement may be required which is outside the Council's area of responsibility. This may be in addition to the Council's actions or may replace Council action if another agency is able to be more effective or apply more pertinent legislation. Similarly we will accept referrals from external agencies if their work indicates that investigation or enforcement may be required in an area which is within our remit. We will exchange information with

these agencies in line with our responsibilities under locally agreed information sharing protocols and our statutory duties to share information.

### **Conflict of Interest and Undue Influence**

We will be impartial in carrying out our enforcement duties. Our intention is to regulate and enforce “without fear or favour”. The Council has a procedure to deal with conflicts of interest and allegations of undue influence being brought to bear on enforcement decisions. Complaints made in connection with these matters will be investigated using the Council’s complaints procedure.

### **Equalities**

We are committed to fair and objective enforcement and to enhancing good community relations. This policy will be applied in a non-discriminatory manner. An Equalities Impact Assessment has been carried out as part of the approval process and equalities issues will be monitored and reported to senior management periodically.

### **Implementation**

This policy covers the roles of officers in providing a regulatory framework and in taking enforcement action linked to this framework. The policy covers actions up to the point of hand-over to the judicial (court) or quasi-judicial (e.g. Licensing Panel, Planning Committee) process. Where these quasi-judicial processes involve Council Members, we will ensure clear separation of roles between the regulation, investigatory and enforcement roles.

### **Review**

This policy will be reviewed after 5 years or if there is a substantive change to underlying legislation which impacts on the operation of the policy.

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**Public**  
**Key Decision – No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** Public Spaces Protection Order (Eynesbury)

**Meeting/Date:** Licensing and Protection Committee -  
19<sup>th</sup> March 2025

**Executive Portfolio:** Executive Councillor for Residents Services and  
Corporate Performance, Councillor S W  
Ferguson

**Report by:** Community Safety Partnership Delivery Officer

**Ward(s) affected:** Eynesbury

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### **Executive Summary:**

On 27<sup>th</sup> June 2024, the Licencing and Protection Committee supported the proposed implementation of a Public Space Protection Order (PSPO) to tackle anti-social behaviour that was occurring in a localised area of Eynesbury, St Neots.

The Public Spaces Protection order came into place on 17<sup>th</sup> July 2024, with the installation of a CCTV camera on the corner of Berkley Street, Montagu Street and St Mary's Street for the prevention and detection of crime in relation to the PSPO. Since this date, the Community Action Team and St Neots Neighbourhood Policing Team have worked in partnership to respond to reports.

On 16<sup>th</sup> October 2024, the PSPO was reviewed by the Committee, and statistics backed by the views of the public showed that the PSPO had been successful in reducing the number of incidents occurring at the location.

In January 2025, the second review of the imposed was completed and there were 5 identified breaches from October-December 2024.

This report will be a third review of the imposed PSPO in Eynesbury, focusing on January and February 2025.

## 1. PURPOSE OF THE REPORT

- 1.1 On 27 June 2024 the Licencing and Protection Committee agreed with the recommendation for a proposed Public Space Protection Order for Eynesbury, aimed at tackling anti-social behaviour linked to street drinking and public camping in the churchyard. Committee Members also requested that an update be provided, on enforcement outcomes following the implementation of the PSPO.
- 1.2 On 17<sup>th</sup> July 2024, the PSPO was introduced in Eynesbury where signage was installed to notify local residents/visitors to the area of the conditions and location covered by the PSPO.
- 1.3 The Neighbourhood Policing Sergeant for Eynesbury has given the following update for this report:  
“From a Police perspective the PSPO has been positive and has had little in the way of any complaints regarding breaches from persons within the PSPO area.  
PCSO’s are patrolling the areas on a regular basis when on shift, and the PC is monitoring.  
In terms of resourcing, the team has been reduced so our capacity to patrol the area has reduced since the PSPO was introduced. We are effectively relying on calls for service and CCTV captures to progress any breaches now until numbers improve.”
- 1.4 In terms of reports of breaches of the PSPO to HDC, there have been 0 in the months of January and February. This is an improvement from the previous report where there were 5 reported breaches.
- 1.5 CCTV is still operating in the area provided by HDC’s CCTV department.

## 2. LEGAL IMPLICATIONS

- 2.1 **Section 59** of the Anti-Social Behaviour, Crime and Policing Act 2014 makes Public Spaces Protection Orders a statutory provision of Huntingdonshire District Council. To make a PSPO, HDC must be satisfied that on reasonable grounds two conditions are met:
  1. Activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or is likely that activities will be carried on in a public place within that area and that they will have such an effect.
  2. The second condition is that the effect, or likely effect, of the activities –
    - a) is, or is likely to be, of a persistent or continuing nature,
    - b) is, or is likely to be, such as to make the activities unreasonable, and
    - c) justifies the restrictions imposed by the notice.

- 2.2 **Section 60** of the Anti-Social Behaviour, Crime and Policing Act 2014 sets the duration of a PSPO for no more than 3 years, unless extended under this section.
- 2.3 **Section 66** of the Anti-Social Behaviour, Crime and Policing Act 2014 provides an interested party the right to apply to the High Court to question the validity of a PSPO, or variation of a PSPO within 6 weeks from when the order or variation was made.
- 2.4 **Section 67** of the Anti-Social Behaviour, Crime and Policing Act 2014 makes it an offence for a person without reasonable excuse to do anything that they are prohibited from by the PSPO or fail to comply with a requirement of the PSPO. Conviction may result in up to six months imprisonment, or a fine of up to £1000.

### **3. RESOURCE IMPLICATIONS**

- 3.1 Continued enforcement of the proposed PSPO for Eynesbury will utilise resource from Cambridgeshire Constabulary and HDC's Community Action Team.
- 3.2 HDC's Community Action Team will respond to reports of anti-social behaviour, including PSPO breaches as part of their day-to-day duties.
- 3.3 A deployable CCTV camera has been provided by HDC's CCTV Department, at a cost of £1800 for 6 months. Funding for this camera has been sourced and funded by HDC's Communities Department.
- 3.4 HDC's CCTV Department will continue to conduct 24-hour monitoring and review of incidents at the location via HDC's CCTV Control Room.
- 3.5 This order will remain in place until July 2027. In this time, HDC and Cambridgeshire Constabulary will continue to ensure the conditions of the PSPO will remain enforced proactively and reactively. The Community Action Team will provide Licensing and Protection Committee Members with an annual progress report to notify of any amendments to the PSPO by the Community Services Manager, and to demonstrate the effectiveness of the works undertaken to tackle anti-social behaviour in this area of Eynesbury. From July 2027 the Community Action Team will begin a process of consulting with members of the public and Elected Members to determine whether there is necessity to extend the duration of the PSPO for Eynesbury. The results of this consultation will be shared with Licensing and Protection Committee members.

### **CONTACT OFFICER**

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**Public**  
**Key Decision – No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** Public Spaces Protection Order (Ramsey)

**Meeting/Date:** Licensing and Protection Committee  
19<sup>th</sup> March 2025

**Executive Portfolio:** Executive Councillor for Residents Services and Corporate Performance, Councillor S W Ferguson

**Report by:** Community Safety Partnership Delivery Officer

**Ward(s) affected:** Ramsey

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### **Executive Summary:**

On 16th October 2024, the Licencing and Protection Committee supported the proposed implementation of a Public Space Protection Order (PSPO) to tackle anti-social behaviour that was occurring in a localised area of Great Whyte, Ramsey.

The Public Spaces Protection order came into place on 7 November 2024. Since this date, the Community Action Team and St Neots Neighbourhood Policing Team have worked in partnership to respond to reports and patrol the area of the Great Whyte (and surrounding areas). There is pre-existing CCTV in the Great Whyte area of Ramsey monitored by HDC's CCTV department.

A first review report was completed in January 2025, which reviewed the PSPO's impact from October-December. This concluded 2 breaches in which Fixed Penalty Notices were issued, and one possible breach however Police were unable to proceed with evidence.

This report will be a second review of the imposed PSPO in Ramsey, for January and February 2025.

## 1. PURPOSE OF THE REPORT

- 1.1 On 16<sup>th</sup> October 2024 the Licencing and Protection Committee agreed with the recommendation for a proposed Public Space Protection Order for Ramsey, aimed at tackling anti-social behaviour linked to street drinking. Committee Members also requested that an update be provided, on enforcement outcomes following the implementation of the PSPO.
- 1.2 On 7<sup>th</sup> November 2024, the PSPO was introduced in Ramsey where signage was installed to notify local residents/visitors to the area of the conditions and location covered by the PSPO. This was completed jointly between HDC's Community Action Team and St Ives Neighbourhood Policing Team. Social media coverage was also released on both organisations' accounts, as well as local news outlets.
- 1.3 In January and February 2025, there has been 1 reported breach of the PSPO on the 20/02/2025, where there were reports of 2 individuals with open vessels of alcohol in the PSPO area. HDC and Police are in the process of obtaining witness statements for this breach, and issuing a Fixed Penalty Notice.
- 1.4 HDC have received no other reports of breaches of the PSPO, other than stated above.
- 1.5 The Neighbourhood Policing Sergeant for Ramsey provided the following update:

“We have been patrolling the area most days when the team are on shift, and noted a dramatic reduction in the presence of the street drinkers, and there has been a reduction in calls for service. We have worked with the Town Council and local businesses to identify unreported incidents, and reviewed calls for service to capture those that have occurred whilst on rest days. Where possible, we have reviewed CCTV and obtained witness statements to gather evidence for breaches (listed above).”
- 1.6 HDC have received positive feedback on the PSPO from the town council and councillors, and will continue to monitor the street drinking issues as we approach the warmer months.
- 1.7 HDC's CCTV department have a camera located along the Great Whyte that was pre-existing to the PSPO and will continue to be monitored.

## 2. LEGAL IMPLICATIONS

- 2.1 **Section 59** of the Anti-Social Behaviour, Crime and Policing Act 2014 makes Public Spaces Protection Orders a statutory provision of Huntingdonshire District Council. To make a PSPO, HDC must be satisfied that on reasonable grounds two conditions are met:
  1. Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality,

or is likely that activities will be carried on in a public place within that area and that they will have such an effect.

2. The second condition is that the effect, or likely effect, of the activities –
  - a) is, or is likely to be, of a persistent or continuing nature,
  - b) is, or is likely to be, such as to make the activities unreasonable, and
  - c) justifies the restrictions imposed by the notice.

2.2 **Section 60** of the Anti-Social Behaviour, Crime and Policing Act 2014 sets the duration of a PSPO for no more than 3 years, unless extended under this section.

2.3 **Section 66** of the Anti-Social Behaviour, Crime and Policing Act 2014 provides an interested party the right to apply to the High Court to question the validity of a PSPO, or variation of a PSPO within 6 weeks from when the order or variation was made.

2.4 **Section 67** of the Anti-Social Behaviour, Crime and Policing Act 2014 makes it an offence for a person without reasonable excuse to do anything that they are prohibited from by the PSPO or fail to comply with a requirement of the PSPO. Conviction may result in up to six months imprisonment, or a fine of up to £1000.

### 3. RESOURCE IMPLICATIONS

3.1 Continued enforcement of the proposed PSPO for Ramsey will utilise resource from Cambridgeshire Constabulary and HDC's Community Action Team.

3.2 HDC's Community Action Team will respond to reports of anti-social behaviour, including PSPO breaches as part of their day-to-day duties.

3.3 A CCTV camera is already in place along Great Whyte Ramsey, monitored by HDC's CCTV Department.

3.4 HDC's CCTV Department will continue to conduct 24-hour monitoring and review of incidents at the location via HDC's CCTV Control Room.

3.5 This order will remain in place until November 2027. In this time, HDC and Cambridgeshire Constabulary will continue to ensure the conditions of the PSPO will remain enforced proactively and reactively. The Community Action Team will provide Licensing and Protection Committee Members with an annual progress report to notify of any amendments to the PSPO by the Community Services Manager, and to demonstrate the effectiveness of the works undertaken to tackle anti-social behaviour in this area of Ramsey. From November 2027 the Community Action Team will begin a process of consulting with members of the public and Elected Members to determine whether there is necessity to extend the duration of the PSPO for Ramsey. The results of this consultation will be shared with Licensing and Protection Committee members.

## **CONTACT OFFICER**

Name/Job Title: Georgia Patterson, Community Safety Partnership Delivery Officer  
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**Public  
Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

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

**Meeting/Date:** Licensing and Protection Committee – 19 March 2025 –

**Executive Portfolio:** Executive Councillor for Resident Services and Corporate Performance – Councillor S W Ferguson

**Report by:** Licensing Manager – Michelle Bishop

**Ward(s) affected:** All.

### 1. INTRODUCTION

The Public Protection Manager & Licensing Manager have delegated authority to refuse, suspend or revoke Private Hire and Hackney Carriage driver and vehicle licences under the powers delegated by the Licensing and Protection Committee.

Below is a summary of the actions that have taken place over the last 6 months.

### 2. REPORT

#### 2.1 01.10.2024 to 31.12.2024

Date	Licence type	Decision	Reason	Comments
Oct 2024	Hackney Carriage vehicle	Immediate Suspension	Dangerous defects - test failure	
Oct 2024	Private Hire Vehicle	Refusal - New	Does not meet Euro 6	
Oct 2024	Hackney Carriage Vehicle	Immediate Suspension	Accident Damage	
Oct 2024	Private Hire Vehicle	Immediate Suspension	Dangerous defects - test failure	Picked up on compliance test

Oct 2024	Driver	Immediate Suspension	Overdue annual medical/ unable to contact	
Oct 2024	Driver	Refusal	Convictions	
Oct 2024	Private Hire Operator	Suspension	Unable to contact - fail to provide information	
Oct 2024	Driver	Refusal – Licensing Committee	Late renewal - Fit & Proper	
Oct 2024	Driver	Revocation – Licensing Committee	Fit & Proper	
Nov 2024	Private Hire Vehicle	Refusal	Category S – Not permitted in our policy	
Nov 2024	Driver	Immediate Suspension	DBS not on Update, unable to do 6-month check, unable to contact driver	
Nov 2024	Hackney Carriage Vehicle	Immediate Suspension	No Insurance	
Nov 2024	Driver	Immediate Suspension	Road traffic incident	
Nov 2024	Private Hire vehicle	Revocation	Failure to repair in 60 days	
Nov 2024	Hackney Carriage Vehicle	Refusal to Renew	Intended Use - Out of Area	
Dec 2024	Private Hire vehicle	Immediate Suspension	RTC	
Dec 2024	Private Hire vehicle	Immediate Suspension	Accident Damage	
Dec 2024	Hackney Carriage Vehicle	Immediate Suspension	Accident Damage	
Dec 2024	Hackney Carriage Vehicle	Immediate Suspension	Damage due to incident	
Dec 2024	Private Hire vehicle	Immediate Suspension	Accident Damage	
Dec 2024	Private Hire vehicle	Immediate Suspension	6 month test failure - dangerous defects	

### Period Summary

<b>Drivers</b>	<b>6</b>
<b>Vehicles</b>	<b>14</b>
<b>Operators</b>	<b>1</b>

## 2.2 01.01.2025 – 01.03.2025

<b>Date</b>	<b>Licence type</b>	<b>Decision</b>	<b>Reason</b>	<b>Comments</b>
Jan 2025	Private Hire vehicle	Immediate Suspension	Dangerous defects -test failure	
Jan 2025	Hackney Carriage Vehicle	Immediate Suspension	Major Defect-6-month test failure	
Jan 2025	Private Hire Operator	Revocation	Breach of Conditions	
Jan 2025	Private Hire vehicle	Revocation	Breach of Conditions	
Jan 2025	Private Hire vehicle	Refusal	Breach of Conditions	
Jan 2025	Hackney Carriage Vehicle	Immediate Suspension	Major Defects - test failure	
Jan 2025	Private Hire vehicle	Immediate Suspension	Major Defects - test failure	
Jan 2025	Private Hire vehicle	Immediate Suspension	M & D Defects found on pre inspection assessment	
Jan 2025	Private Hire vehicle	Immediate Suspension	Dangerous Defects	
Jan 2025	Private Hire vehicle	Immediate Suspension	Accident Damage	
Jan 2025	Hackney Carriage Vehicle	Refusal	Breach of Conditions	
Feb 2025	Private Hire vehicle	Immediate Suspension	Accident Damage	
Feb 2025	Private Hire vehicle	Immediate Suspension	Major Defects	
Feb 2025	Private Hire vehicle	Immediate Suspension	Major Defects	
Feb 2025	Private Hire vehicle	Immediate Suspension	Dangerous Defects	
Feb 2025	Private Hire vehicle	Immediate Suspension	Dangerous Defects	

Feb 2025	Private Hire vehicle	Immediate Suspension	Major Defects - test failure	
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### Period Summary

<b>Drivers</b>	<b>0</b>
<b>Vehicles</b>	<b>16</b>
<b>Operators</b>	<b>1</b>

### 3. PENALTY POINTS ISSUED

- 3.1 As per the updated Taxi policy in May 2024, we can now issue Penalty Points as a way of disposing with incidents but still allows us to build a picture of driver behaviour.

Below is a summary of what has been issues from May – September 2024:

Date	Licence Type	Points Issued	Reason
10 October 2024	HCV	6	Using a vehicle with defective Taxi Meter
10 October 2024	Operator	30	Using a vehicle with defective Taxi Meter, Using a vehicle with dangerous defects
10 October 2024	Dual Driver	24	Using a vehicle with dangerous defects
08 November 2024	Dual Driver	3	Failure to declare SP30
14 November 2024	Dual Driver	6	Mobile phone use
04 December 2024	Dual Driver	3	Failure to declare SP30
04 December 2024	Dual Driver	3	Failure to declare SP30
06 December 2024	PHV	6	Failure to notify damage & presenting unclean vehicle at test
06 December 2024	PHO	3	Operating a vehicle in a dirty condition
11 December 2024	Dual Driver	3	Failure to declare SP30
17 December 2024	Dual Driver	9	Driving incident
19 December 2024	V	3	Failure to return plate after Sec 68



19 Feb 2025	PHD	3	Failure to declare SP30
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#### 4. MATTERS TO BE TAKEN INTO ACCOUNT

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

Date of original HDC decision	Licence type	Result
January 2025	New Driver - Refused	Full hearing listed for May 2025

#### 5. RECOMMENDATION

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

Contact Officer: Michelle Bishop – Licensing Manager  
[licensing@huntingdonshire.gov.uk](mailto:licensing@huntingdonshire.gov.uk)

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**Public**  
**Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

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

**Meeting/Date:**            Licensing and Protection Committee – 19 March 2025

**Executive Portfolio:**    Executive Councillor for Resident Services and Corporate Performance – Councillor S Ferguson

**Report by:**                Elections and Democratic Services Manager

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### INTRODUCTION

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

<b>Meeting Date</b>	<b>Chair</b>	<b>Case</b>	<b>Determination</b>
22 October 2024	N Wells	Review of a Renewal Application for the Grant of a Hackney Carriage Vehicle Licence and a Review of a Dual Drivers Licence.	Vehicle Licence Refused and Dual Drivers licence revoked with immediate effect.

### RECOMMENDATION

The Committee are invited to note the above information.

### BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Sub-Committee.

**Contact Officer:** Democratic Services Team – (01480) 388169

