

# HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held as a Remote Meeting Via Microsoft Teams on Wednesday, 24 June 2020

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, J R Clarke, Mrs A Dickinson, Mrs S A Giles, Mrs P A Jordan, D J Mead, Mrs P E Shrapnel and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Ms A Diaz and K I Prentice.

## 4 MINUTES

The Minutes of the meetings of the Licensing and Protection Committee held on 11th March and 17th May 2020 were approved as correct records and signed by the Chairman.

## 5 MEMBERS INTERESTS

No declarations were received.

## 6 MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE ACTION PLANS

With the assistance of a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee received an update on progress against the delivery of work on the Council's Food Law Enforcement and Health and Safety Plans during the period 1st April 2019 to 31st March 2020.

By way of introduction, the Committee were informed that reduced staffing levels continued to have had an impact on the delivery of both Plans although the vacant posts within the Environmental Health Team had been now re-advertised and shortlisting was expected to take place shortly.

In terms of progress being made against programmed activity within the Food Law Enforcement Plan, Members were informed that although the inspections of premises within the risk-based programme had been categorised overall as 'red', inspections at the highest risk premises A-C were all up to date. Whilst activities forming part of the Alternative Enforcement Strategy were currently classified as 'red' this was not an immediate concern as these remained the low risk premises which would be followed up throughout the remainder of the year.

The Committee were informed that the focus within the last quarter had been to target new business registrations and interventions which had largely been successful with performance in this area improving from 'amber' to 'green'.

In terms of the unplanned / reactive work undertaken by the food law enforcement service, Members were advised that performance ratings in these areas were all at 'green' or 'amber' and so for the most part on target.

Having noted that the food hygiene training programme had not been delivered to the level which the Authority would have liked, the Committee were advised that the three courses which had been held had had a very high success rate. Members sought further clarification as to the numbers of individuals who had attended these courses and their availability.

With regards to the performance statistics for health and safety activity, the Committee noted that there had been 68 Health and Safety complaints and requests for service during the year with 6 relating to Covid-19 in the last two weeks which was estimated to increase.

Arising from the report, the Committee went on to discuss the impact of the releasing the Country from 'lockdown' on the delivery of the Council's health and safety and food law enforcement services. In response the Acting Operational Manager (Business) reported that it was his teams that had taken a lead on dealing with business closures by providing advice or dealing with complaints to residents and local businesses during the lockdown. This had resulted in a significant increase to their workload. During the recovery phase there would be an increasing emphasis on the health and safety service as newly reopened premises seek to comply with and abide by new government guidelines for their operation.

In response to a question regarding resources and the impact on an already over-stretched and under-staffed Environmental Health team, the Committee were advised that the Government had recently released funding to assist with the safer reopening of High Streets which provided an opportunity to reclaim expenditure. There also may be potential to utilise temporary staff through recruitment or re-deployment within the organisation.

Finally and having noted that the majority of emerging issues regarding compliance with new government guidelines would be dealt with under health and safety legislation, comment was made with regard to the extent of any potential to deal with matters under licensing legislation. In response to which the Acting Operational Manager (Business) explained that as a last resort a review of a premises licence could be sought for failure to comply with the four licensing objectives in the usual way.

Whereupon, it was

**RESOLVED**

that progress on the delivery of the two Service Plans for the period 1st April to 31 March 2020 be noted.

*(At 14.07pm during the discussion on this item Councillor B S Banks joined the meeting).*

*(At 14:10pm Councillor R West joined the meeting).*

## **7 DUTY OF CARE SECTION 34 (2A) OF THE ENVIRONMENTAL PROTECTION ACT 1990**

Further to Minute No. 20, and with the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee received an update on proposals to issue Fixed Penalty Notices to residents for failing to ensure that their household waste is transferred to an authorised waste carrier under Section 34 (2A) of the Environmental Protection Act 1990.

The Committee were reminded that approval had been given on the basis that an extensive awareness raising campaign would take place ahead of the implementation date of 1st June 2020. Whilst some awareness raising had taken place, the impact of Covid-19 had affected the ability of the Community Resilience Team to communicate the intended messages and it was now proposed that the authority to issue Fixed Penalty Notices be deferred to 1st July 2020.

Having acknowledged that the 'lockdown' period had seen a significant increase of incidents of fly tipping within the District, the Committee discussed the closure of the County Council's Household Waste Recycling Centres and the new temporary appointment system which had now been put in place to mitigate the problems being experienced with queuing traffic. It was envisaged that these arrangements might also have an impact on levels of fly-tipping, and the Committee were advised that Fixed Penalty Notices had already been issued to two individuals who had grown tired of queuing and subsequently dumped their waste. A media awareness campaign had now gone 'live' to promote the new appointment system and Members were reassured to hear that all the public comments made upon the District Council's Facebook page were responded to individually, to prevent the spread of misinformation on the matter. Councillor Jordan requested that information regarding the new temporary booking system be provided to Parish Councils for circulation within the local community.

In welcoming the decision to delay the implementation date so that the awareness raising campaign can be extended, Members again emphasised the need to consider the more vulnerable residents within the District when applying sanctions and also discussed the approach which would be taken for repeat offenders.

Reference having been made to the excellent response from the District Council to a recent incident of fly-tipping in Brampton, Members also took the opportunity to commend the operation of the District Council's own bin collection service during the recent weeks.

Whereupon having given consideration to the communications that have already been issued and having acknowledged that the Community Resilience Team would continue to promote resident responsibilities as opposed to the immediate issue of a Fixed Penalty Notice, it was

**RESOLVED**

that authority be given to the District Council's Chief Operating Officer to delegate responsibility to identified officers to issue Fixed Penalty Notices for Resident Duty of Care Offences from 1st July 2020 as opposed to the previously agreed date of 1st June 2020.

## **8 LICENSING AND PROTECTION SUB-COMMITTEES**

With the assistance of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee received and noted the details of one meeting of the Licensing and Protection Sub-Committee which had taken place since their last meeting.

## **9 SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERS**

With the aid of a report by the Licensing Team (a copy of which is appended in the Minute Book) the Committee noted the details of actions which had been taken since the last meeting under delegated authority.

Having noted that Appeals to the Magistrates Courts had been suspended at the current time due to the situation with Covid-19, the Committee were advised that the Authority currently had 4 Appeals pending within the backlog. It was agreed that the outcome of Appeals should be included in the future quarterly reports for Members consideration.

An update on the process for suspending driver licences was also provided.

Chairman