

# HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 30 June 2021

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, J R Clarke, Mrs A Dickinson, Mrs S A Giles, Mrs P A Jordan, L W McGuire, D J Mead and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors K I Prentice and Mrs P E Shrapnel.

## 4 MINUTES

The Minutes of the meetings held on 10th March and 19th May 2021 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 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 made against the delivery of work on the Council's Food Law Enforcement and Health and Safety Plans during the period 1st January to 31st March 2021.

The Committee were advised that the period had once again been dominated by the current Covid-19 Pandemic, the national lockdown and the continued restrictions on inspections by the Food Standards Agency (FSA). This had resulted in only 87 planned food hygiene inspections taking place out of a predicted target of 550 by the end of the year.

In terms of the delivery of the Food Law Enforcement Plan, the Committee were advised that the programme of physical food safety inspections was now scheduled to recommence on 5th July 2021 and a plan of action to address the backlog was now in place, targeting Category A and B premises and those risk rated premises that were identified in lockdown. A broader programme of inspections would be developed once the FSA had provided clearer direction.

With regards to the proposed recovery plan for Food Safety Inspections, the Committee were advised that this had now been agreed with the Food Standards Agency and it was anticipated that it would take within the region of 18 months to

two years to catch up, subject to there being no further lockdowns. On a positive note, Members were pleased to note that the Environmental Health team was now fully resourced for the first time in 5 years.

In relation to the delivery of the Health and Safety Service Plan, Members were advised that due to the suspension of planned inspections work in this area has been predominately reactive. In general terms, health and safety work had increased significantly during the last year and was expected to remain high for the foreseeable future due to Covid 19. In response to a question concerning the increase in notifications of and investigations into accident and dangerous occurrences, the Committee were advised that the majority would have been related to Covid 19.

Whereupon, it was

RESOLVED

that progress on the delivery of the two Service Plans for the period 1st January to 31st March 2021 be noted.

## **7 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

With the assistance of a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee considered the contents of a revised draft Hackney Carriage and Private Hire Licensing Policy for public consultation.

The Committee were advised that the current policy had been approved in 2018 at which time it had been agreed that it should be reviewed after a period of three years. The current review had taken into account changes to Government issued guidance and was intended to provide clarification / improvements in particular areas.

The Committee's attention was drawn to the proposed changes as set out in the Executive Summary to the report and were advised that the main change was the proposed introduction of a penalty points system designed to address lower level enforcement functions. This was the subject of a separate report on the Agenda.

Members were advised that it was intended that a public consultation exercise be undertaken, which would commence on the 2nd July 2021 and conclude on 17th September 2021. After which time a further report would be submitted to the Licensing and Protection Committee.

In reviewing the proposed changes to the policy and in light of a recent individual case considered by the Chairman of the Committee, it was agreed that further consideration should be given as part of the consultation exercise to those motoring offences involving an excessive breach of the speed limit and their potential for classification as a more serious offence within the scope of the policy.

The Committee went on to discuss the support and guidance which is provided by the Licensing Team to prospective and current drivers and operators. Whilst

he was not aware of any general training, the Acting Operational Manager (Business) was optimistic that the return of individual appointments to assist with the completion of application forms, together with a future move to an online system for applications would improve applicant understanding of the application requirements.

In terms of driver standards and in response to the comments of Committee Members, the Committee were reminded of the current requirements for prospective drivers to pass a medical, knowledge and competency test, an enhanced Disclosure and Barring Service check and a safeguarding course prior to be granted a Hackney Carriage and Private Hire Driver's licence.

Whereupon it was

Resolved

- (a) that the draft Hackney Carriage and Private Hire Licensing Policy as attached as an appendix to the report be approved for public consultation;
- (b) that the Acting Operational Manager (Business) be authorised to make any amendments to the draft policy that are considered necessary as a result of any comments from the public consultation exercise, or arising from any further legislation or guidance received during the drafting period; and
- (c) that the revised draft be presented to the Licensing and Protection Committee for approval on 1 December 2021, with a view to implementation with effect from a date no later than 1 January 2022.

## **8 LICENSING: PENALTY POINTS SCHEME**

With the assistance of a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee considered a draft penalty point scheme which it was proposed to include within the overall Hackney Carriage and Private Hire Licensing Policy for public consultation.

The Committee were advised that the introduction of a penalty points system was intended to address lower level enforcement functions where suspension or revocation was not considered appropriate to the severity of the offence. The proposal also supported the recently issued Department for Transport Statutory Guidance in 2020 and was intended to raise standards by ensuring that enforcement is consistent, proportionate and understood by all.

Public consultation on the proposed penalty points scheme would commence on the 2nd July 2021 and conclude on 17th September 2021. After which time a further report would be submitted to the Licensing and Protection Committee.

In terms of the operation of the proposed scheme, members were advised that penalty points would be issued for minor offences to a licensee, in accordance with the schedule attached at Appendix A. Once a licensee had accrued a maximum set, they would be subject to formal disciplinary procedures which may include suspension, revocation or referral to the Licensing and Protection Sub-

Committee. Following a question from the Chairman, it was confirmed that it was proposed that the maximum set of penalty points should be set at 12.

Clarification having been sought as to the period over which the penalty points would remain in force on a licence, the Committee were informed that the proposal was for a 12-month rolling period. Whilst this appeared to be the period utilised by other authorities who had adopted similar schemes, comments on this could be sought as part of the public consultation.

In terms of the specific offences which formed part of the scheme, clarification was sought as to the arbitrator in those cases in which an alleged offence was disputed. The Committee were informed that the award of penalty points would in all cases need to be agreed with the perpetrator, but an escalation approach and an appeal process had been built into the scheme. Clarification was also sought and provided on the action which the Authority would take should a licensee be found to be committing a criminal offence.

Whereupon, it was

**RESOLVED**

- (a) that the draft penalty points scheme as attached as an appendix to the report be approved for public consultation;
- (b) that the Acting Operational Manager (Business) be authorised to make any amendments to the draft policy that are considered necessary as a result of comments received from the public consultation exercise, or arising from any further legislation or guidance received during the drafting period; and
- (c) that the revised draft be presented to the Licensing and Protection Committee for approval with a view to implementation with effect from a date no later than 1 January 2022.

## **9 HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES - DECISIONS UNDER DELEGATED AUTHORITY**

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 their last meeting under delegated authority.

In commenting on those cases which were listed as being referred to appeal, it was suggested that these might form the basis of some useful anonymised training exercises for members in due course.

## **10 REPRESENTATIONS ON EXTERNAL ORGANISATIONS**

Following a recent vacancy, the Committee were invited to review the Council's representation on those organisations to which it appoints.

Whereupon, it was

RESOLVED

that Councillor M Haines be appointed as the Council's representative to the Warboys Landfill Local Liaison Committee for the period to 4th May 2022.

Chairman