

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in the CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN on Thursday, 25 January 2024

PRESENT: Councillor C H Tevlin– Vice - Chair.

Councillors M L Beuttell, S Bywater, J Clarke, A E Costello, S J Criswell, S W Ferguson, S A Howell, P Kadewere and D Terry.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors B S Banks and P A Jordan.

17 MINUTES

The Minutes of the meeting held on 27th September were approved as a correct record and signed by the Chair.

18 MEMBERS INTERESTS

No declarations were received.

19 AIR QUALITY REVIEW AND ASSESSMENT

The Committee considered a report by the Environmental Health Officer (a copy of which is appended in the Minute Book) inviting Members to consider the revocation of three Air Quality Management Areas (AQMAs) within the District.

By way of background, Members were informed that the Council continually review and assess air quality. The Authority currently have four AQMAs in place which were declared in 2005/06 due to increasing Nitrogen Dioxide levels within the District. However, as air quality standards had fallen well below the annual objective levels for over ten years in three of the four areas, it was now proposed to revoke the designation of AQMA in St Neots, Brampton and Hemingford to Fenstanton. This was in line with guidance produced by the Department for Environment, Food and Rural Affairs (DEFRA).

Should the revocation be approved, the Committee were advised that air quality monitoring would continue to be undertaken for these areas, details of which would continue to be made available on the District Council website. If levels were found to deteriorate, leading to breaches of the air quality objectives the District Council would have a duty to declare a further AQMA. However, currently there were no concerns that this would be the case.

In outlining his support for the proposal, the Executive Councillor for Customer Services Councillor S Ferguson commented on several potential reasons for the decline in nitrogen dioxide levels. These included government legislation and

targets and increasing societal concern at the impact of air quality pollution. However, he emphasised the importance of continuing to monitor air quality within the District and taking the necessary action accordingly.

Whereupon, it was

RESOLVED

that the Environmental Health Manager be authorised to take appropriate steps to

- a) revoke the St Neots Air Quality Management Area;
- b) revoke the Brampton Air Quality Management Area; and
- c) revoke the Hemingford to Fenstanton Air Quality Management Area.

20 REVIEW OF FIXED PENALTY NOTICES 2023/24

Following the introduction of new regulations in July 2023 and with the assistance of a report by the Community Protection and Enforcement Team Leader (a copy of which is appended in the Minute Book) the Committee reviewed the Fixed Penalty Notices (FPNs) available to the District Council for environmental crimes.

By way of introduction, the Committee were informed that the Department for Environment, Food and Rural Affairs (DEFRA) had undertaken a consultation in 2023 regarding the amounts paid for Fixed Penalty Notices (FPNs). Proposals were now being put forward to revise the current fixed penalty for offences related to littering, fly tipping and household waste duty of care.

The Committee were advised that it was proposed to adopt a tiered approach consistent with the offence, to offer a discount of 25% for early payment and also extend the period during which a payment for FPNs can be made. Attention was drawn to paragraphs 3.2 and 3.3 of the report which set out the current levels of fines and the proposed changes for littering, fly tipping and household duty of care offences. Details of the levels of littering and fly-tipping which would comprise each tier were also provided.

In opening the discussion, the Executive Councillor for Customer Services Councillor S Ferguson reiterated that environmental crime continued to pose a serious problem for the District and outlined his support for the proposals. He also referred to the fervour with which littering, and fly tipping continued to be investigated by the Authority and his recent positive day out, on the job with the enforcement team investigating offences.

In terms of the level of fines proposed and the extent to which they compared with neighbouring authorities; the Committee were advised that a standard approach had been agreed countywide with some variations to acknowledge local differences. Members were also advised that discussions had been held with Peterborough City Council in recognition of the fact that most of fly tips within the northern corridor of the District come from Peterborough.

Councillor S Criswell expressed concern at the proposal to offer a 25% discount to those that pay within fourteen days rather than twenty-eight. In explaining the rationale for this decision, the Committee were informed that this had been designed to encourage more individuals to pay the FPN and settle their case outside of court. Members were also reminded that the guidance produced by DEFRA specified that local authorities could not gain a financial incentive from the receipt of FPN's. Consequently, any receipts could only be used for the prevention, detection, and investigation of environmental crime.

With regards to the potential for non-payment of fines, Councillor S Bywater queried whether there was a potential that this might increase should the amount of the fine be increased. In response to which, Members noted that the new levels would be used as a template for the courts to match. In court cases efforts were always made recover 100% of costs including the clearance of the fly tip, officer, and legal time. The Committee were also advised that there were certain circumstances where a Fixed Penalty Notice would not be offered, and a more appropriate response would be to allow the magistrates to decide and grant a more severe punishment.

In response to Councillor P Kadewere comments about the need for additional signage in certain areas to warn of the consequences of littering and fly tipping, Members were asked to contact the team to alert them of any hotspots. Having noted that that work was also undertaken to place signage in areas owned by social landlords, Councillor A Costello drew attention to the problems of littering in Slade Dyke in Ramsey. In response to which and considering the potential for flooding in the area, Officers agreed to undertake a targeted awareness raising campaign in this area.

Having noted that the number of Fixed Penalty Notices issued in any one year was dependent on the weight and quality of evidence available, the Committee went on to discuss the ways in which the Council publicise that FPNs could be issued for environmental crime. Members were advised that steps were taken to publicise successful prosecutions and the discovery of large fly tips. The team also regularly promoted a list of best practice to householders to use when selecting traders to dispose of their waste. Details relating to the number of FPNs issued were included in an annual basis within the Council's Corporate Plan. Arising from which, Councillor M Beuttell suggested that it may be useful to involve Town and Parish Councils to advertise the risks of receiving a penalty.

With regards to the use of social media, comment was also made about a potential role for District Councillors to report rogue traders who were active on social media to the Community and Protection Enforcement Team. Having acknowledged that householders who use the services of rogue traders could receive a penalty for not following duty of care, Councillor S Howell enquired whether there was any infographics that they could share on their own social media pages to warn their residents. In response to which, officers agreed to also circulate this to Town and Parish Councils. Members also acknowledged that should the proposals be approved a wide-spread media campaign would be undertaken to explain the principles of duty of care.

With reference to the forthcoming changes in the District Council's collection service for garden waste, Councillor C H Tevlin sought assurance regarding the monitoring of fly-tipping within the District. Having noted that monitoring would

continue and any increase in green waste would be highlighted to the Operations Team, the Executive Councillor for Customer Services agreed that it would be beneficial to monitor this more formally and requested that further consideration be given to a metric which might be reported as part of quarterly performance reports.

In drawing the discussion to a close the opportunity was taken to raise issues with dog fouling in the District. Members were reminded that the Public Spaces Protection Order (PSPO) for Dog Control had been approved at the last meeting of the Committee and that fines for dog fouling were set by Anti-Social Behaviour legislation. Members with ward specific issues were encouraged to provide information to the Community Protection and Enforcement Team for further investigation. In terms of the availability of signage warning of potential of fines for dog fouling, the Committee were informed that new QR coded signage had just been created to highlight the rules and restrictions of the PSPO. Members were encouraged to advise the team of any locations or hotspots where these might be required.

Whereupon and having indicated their support for the proposals, the Committee

RESOLVED

- a) that the new higher value and tiered levels of Fixed Penalty Noticed for offences related to littering, fly-tipping and household waste duty of care be adopted;
- b) that recipients of Fixed Penalty Notices be offered the option of a 25% discount against the value of the Fixed Penalty Notice for early payment; and
- c) that the payment period for Fixed Penalty Notices for littering, fly-tipping and house waste duty of care be amended to 28 days and the early payment (discounted Fixed Penalty Notice level) period to 14 days.

21 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 second and third quarter of 2023/24.

With regards to the Food Law Enforcement Plan, the Committee were advised that the focus of the Plan continued to be the planned routine inspections of food businesses. Within this in mind, Members were advised that 319 food hygiene inspections had been carried out during Quarter 2 and 3, which gave a total of 504 for the year to date and the service was on target to meet its predicted activity levels.

Progress made against the inspection of premises categorised under the Alternative Enforcement Strategy remained at Red, however officers were

pleased to report that work on this area had now started and initial contact had been made with 157 premises.

The Committee were informed that the number of revisits to check compliance following a food hygiene inspection was slightly higher than expected over the two quarters. However, this was the likely impact of the suspension of the inspection programme during the Covid pandemic and the associated backlog.

The Committee were also informed that the Authority had continued to take part in the UK Health Security Agency's sampling study. The topics had been 'Ready to Eat Salad and salad components' and 'Cooked Ready to Eat Sliced or Cut Meat'. As a result of which, some unsatisfactory notifications had been passed on to the Food Standards Agency regarding products which had been made elsewhere.

It was also reported that there had been a slight increase in the level of activity regarding infectious disease control following of a cluster of cryptosporidium cases in the Eastern Region. As a result of which, the Authority had been asked to conduct further enquiries on behalf of the UK Health Security Agency regarding any cases found in the Huntingdonshire area.

With regards to Health and Safety activity during the two quarters, it was noted that 9 accidents out of 26 reported had been investigated in line with the criteria provided by the Health and Safety Executive. A further 75 other service requests had been responded to, the majority being licensing consultations. A range of health and safety advice has also been given to event organisers through the Safety Advisory Group.

In discussing the contents of the report, clarification was sought and provided on those businesses which were categorised as a 'Category B' premises, together with the 66 that did not form part of the rating programme. The Executive Councillor for Customer Services, Councillor S Ferguson also took the opportunity to congratulate the Environmental Health Services Manager for the performance achieved by the Environmental Team.

a) LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION 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 were invited to consider an updated scheme of delegation between the Licensing and Protection Committee and the Council's Officers to reflect amendments in the Environmental Health, Community Protection and Enforcement Service.

The Committee were advised, that since the scheme had last been approved there had been a number of structure changes across the organisation, meaning that previously used job titles no longer existed. Approval was now being sought for the scheme to be updated such that it reflected these amendments. Members were also advised that there had been changes to the powers listed within the scheme.

Whereupon, it was

RESOLVED

- a) that the scheme of delegation from the Licensing and Protection Committee to Officers be approved;
- b) that the Community Services Manager be authorised to make minor editorial changes, which by definition make no change to the powers of delegations;
- c) that the Community Services Manager, after consultation with the Chair and Vice-Chair be authorised to make changes as a result of revocations, amendments or enactment of relevant statutory provisions; and
- d) that the Community Services Manager be authorised to appoint such suitable qualified officers as deemed appropriate to exercise those duties delegated to him/her.

b) LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION 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 were invited to consider an updated scheme of delegation between the Licensing and Protection Committee and the Council's Officers to reflect small legislative changes and changes in management in the licensing service.

The Committee were advised, that since the scheme had last been approved there had been a number of structure changes across the organisation, meaning that previously used job titles no longer existed. Approval was now being sought for the scheme to be updated such that it reflected these amendments, together with a number of minor legislative changes including the introduction of the 2018 Animal Welfare Act.

The Licensing Manager highlighted that this report dealt with delegations relating to animal welfare, taxis and street trading. Delegations relating to the Licensing and Gambling Acts would be considered at the meeting of the Licensing Committee shortly.

Whereupon, it was

RESOLVED

- a) that the scheme of delegation from the Licensing and Protection Committee to Officers be approved;
- b) that the Community Services Manager be authorised to make minor editorial changes, which by definition make no change to the powers of delegations;
- c) that the Community Services Manager, after consultation with the Chair and Vice-Chair be authorised to make changes as a result of revocations, amendments or enactment of relevant statutory provisions; and

- d) that the Community Services Manager be authorised to appoint such suitable qualified officers as deemed appropriate to exercise those duties delegated to him/her.

23 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee were informed that the review of the Hackney Carriage and Private Hire Licensing Policy had now been completed and a draft was expected to be issued for an eight-week consultation within the next couple of weeks. It was currently expected that the outcome would be considered by the Licensing and Protection Committee at their meeting in May 2024.

Having undertaken to circulate a copy of the draft policy to all members once it was available, the Licensing Manager outlined some of the areas that had been considered as part of the review and encouraged Committee Members to comment and share the consultation with others as part of the consultation process.

24 SUSPENSION & REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

With the assistance of a report by the Licensing Team (a copy of which is appended in the Minute Book) the Committee received and noted the details of actions which had been taken under delegated authority during the period 11th September 2023 to 10th January 2024.

The Committee were pleased to note that the number of cases in which action had been required was lower than in previous reports, which it was hoped was a positive reflection on the action being taken by the Authority.

Chair