
Licensing and Protection Panel

Report of the meeting held on 27th October 2009

Matters for Information

6. JOINT AIR QUALITY ACTION PLAN

The Panel has been acquainted with progress on the statutory Air Quality Review and Assessment process and has authorised the publication of the Joint Air Quality Action Plan (AQAP). In view of the similarities in air quality issues arising from trunk roads within the administrative areas of Huntingdonshire, Cambridge City and South Cambridgeshire, the draft AQAP has been developed jointly by the three authorities. Its purpose is to outline those actions to be taken in pursuit of the national air quality objectives. Those measures identified for Huntingdonshire have already been used in programmes such as the local transport plan and the A14 upgrade and will not commit the District Council to any additional expenditure or policy measures which have not already been agreed in other regimes.

7. THE OZONE DEPLETING SUBSTANCES (QUALIFICATIONS) REGULATIONS 2009

Having considered the implications for the Council of duties established under the Ozone Depleting Substances (Qualifications) Regulations 2009, the Panel has authorised the Director of Environment and Community Services to appoint "authorised persons" to enforce the provisions of the Regulations and to initiate prosecutions, subject to the prior agreement of the Chairman or Vice-Chairman of the Panel. The Regulations seek to prevent climate change through the regulation of ozone depleting chemicals known as a hydro-chlorofluorocarbons often found in refrigeration and air conditioning equipment.

8. THE FLUORINATED GREENHOUSE GASES REGULATIONS 2009

In response to the introduction of the Fluorinated Greenhouse Gases Regulations 2009, the Panel has authorised the Director of Environment and Community Services to appoint Officers to enforce the provisions of the Regulations and to initiate prosecutions subject to the agreement of the Chairman or Vice-Chairman of the Panel. The Regulations seek to prevent climate change through the reduction of emissions of fluorinated greenhouse gases often found in refrigeration equipment, air conditioning equipment and heat pumps. The Panel have been advised that no additional funding or

staffing will be required as the duties will be absorbed by existing staff.

9. FOOD SAFETY AND HEALTH AND SAFETY ENFORCEMENT POLICIES

The Panel has approved the contents of draft policy statements for health and safety and food safety enforcement. The policies have been revised to comply with recent changes in legislation, primarily the Regulatory Enforcement Sanctions Act 2008 and changes to the Food Standards Agency Food Law code of practice. In order to achieve the objectives, enforcement action will be proportionate to the risk presented and in accordance with the principles of consistency, transparency, helpfulness, openness and the targeting of resources.

In addition the Head of Environmental and Community Services has been authorised after consultation with the Chairman or Vice-Chairman of the Panel to make any subsequent changes in the policies.

10. "SCORES ON THE DOORS"

The Panel has been acquainted with the success of the Council's food hygiene rating scheme "Scores on the Doors" scheme, which involves giving food hygiene ratings to all caterers and take away businesses during routine inspections. This was launched in October 2008 and has become popular with both businesses and consumers alike with over 40,000 hits on the Council's website where the results are published. It has also had the effect of increasing standards with those receiving the top score of five stars improving from 47 premises in 2008 to 106 in 2009.

11. HEALTH PROTECTION REGULATIONS

The Panel has noted draft Regulations produced by the Department of Health implementing a modernisation process for infectious disease notification and control as a result of changes introduced by the Health and Social Care Act 2008.

The Regulations, which it is anticipated will come into force in early 2010 following a period of consultation, have been designed to be more flexible and to give greater safeguards to those affected by them. The Regulations will introduce new powers and responsibilities for local authorities to allow for an appropriate response to public health threats and as such will have an impact on service delivery.

The proposals are set out in three sets of draft Regulations which will enable authorities to adopt wide-ranging actions in the case of notifiable diseases including detentions and quarantines of infected persons and decontaminating affected premises. Councils will have a duty to have regard to the welfare of anyone whose liberty is restricted by a public health order and may have to provide services for people if they are housebound, with the power to recover costs. There are significant legal and potential human rights implications for

the Council as a consequence of the legislation, with the safeguard of a magistrates order when applying restrictions on people's civil liberties. A further report will be presented when the Regulations have been introduced to ensure that the necessary Officer authorisations are approved.

12. ENFORCEMENT POLICIES

Having been acquainted with the implications of the Regulatory Enforcement and Sanctions Act 2008, the Panel has authorised Heads of Service to review enforcement policies to have regard to the content of the Act and introduce any necessary changes after consultation with the relevant Executive Councillor, Chairman or Vice-Chairman.

The Act is an important element in delivering the Government's commitment to the implementation of the Hampton agenda on regulatory reform and the reduction of the burden on businesses. It delivers a number of distinct but related policy areas relating to the advancement of Hampton's vision of a national and local regulatory system that is risk based, proportionate and effective. The Act has established a Local Better Regulation Office to promote better regulation and co-ordination between local authorities and central government in minimising the burdens of regulation on compliant businesses. It seeks to establish a primary authority scheme to improve consistency of advice and enforcement which will prove resource intensive for those Councils nominated by businesses to be their primary authority.

Relevant Heads of Service have been requested to review the enforcement policies as and when appropriate following the implementation of future legislation or statutory codes and to approve any necessary changes after consultation with the relevant Executive Councillor, Chairman or Vice-Chairman.

13. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' CRIMINAL CONVICTIONS

The Panel has noted a requirement for hackney carriage and private hire driver's licence applicants who have resided outside the UK at any time over the previous five years, to apply for a "Statement of Good Conduct" at their own expense from the relevant embassy or police force in their previous country of residence. This will enhance the standard criminal records bureau check which shows whether an applicant has been convicted for an offence by a Court within the United Kingdom. Both checks will assist the Council in determining whether an applicant is a "fit and proper person" to be the holder of a hackney carriage or private hire driver's licence.

14. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

The Panel has approved the licensing of vehicles converted to run on liquefied petroleum gas. In so doing, the Panel has approved the

inclusion of additional conditions in the schedules of licensing conditions for hackney carriage and private hire vehicles to cover such vehicles.

15. LAP DANCING

The Panel has been alerted to impending legislation which will introduce a requirement for lap dancing clubs to be licensed by the Council. As a result of the growth of such venues in recent years, the Local Government Association and pressure groups have been lobbying for lap dancing to be subject to further regulation in addition to any premises licence required under the Licensing Act 2003 for the sale of alcohol and provision of regulated entertainment. The Policing and Crime Bill is likely to be enacted shortly and will define lap dancing clubs and similar establishments as sex encounter venues which will require licensing as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

J M Sadler
Chairman