

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION PANEL held in Meeting Rooms 0.1A and B, Ground Floor , Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Tuesday, 24 March 2015.

PRESENT: Councillor J W Davies – Chairman.

Councillors I J Curtis, R S Farrer, R Fuller,
G J Harlock, Ms L Kadic,
S M Van De Kerkhove, M C Oliver,
T D Sanderson and R J West.

APOLOGY: An Apology for absence from the meeting was submitted on behalf of Councillor J P Morris.

22. MINUTES

The Minutes of the meeting of the Panel held on 27th January 2015 were approved as a correct record and signed by the Chairman.

23. MEMBERS INTERESTS

No declarations were received.

24. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2015-16

The Panel considered a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached a draft Service Plan for Food Law Enforcement for 2015-16. The Plan had been developed to comply with the requirements of the Food Standards Agency (FSA) and incorporated the aims and objectives of the service within the resources available, together with a review of the work undertaken in the previous year.

The Panel were informed that the draft Plan had been completed earlier than in previous years with the intention that it should be approved by the Council at the start of the operational year. Members' attention was then drawn to a number of aspects of the draft plan, which included the projected levels of programmed and un-programmed activity for 2014-15 and the estimated activities for 2015/16.

In terms of the resources that were available to deliver the Plan, the Panel's attention was drawn to the budgetary provision for 2015-16, which represented a reduction of 4.85% on the previous financial year. It was anticipated that the resources provided for 2015-16 would be sufficient to meet the requirements of the service provided. However in the event of a complex investigation or legal case or the introduction of central sampling charges, additional funds may need to be sought. Members were informed that the budgetary provision for legal costs had been incorporated into the Head of Community's Management costs. It was also explained that the Plan had been based upon the service remaining fully staffed and that there was

currently one vacancy within the Team that was proving difficult to fill.

Members' attention was then drawn to the developments that were planned for the service during 2015-16. These would be undertaken in addition to the programmed and reactive work already undertaken by the Council's Commercial Team and the views of the Panel were invited on the suggestions that had been made.

In response to questions from the Panel on specific activities within the Development Plan, Members were informed that it was not envisaged that the outcome of the Food Standards Agency's review of the Food Law Code of Practice (England) would have a significant impact on the authority or that there would be a cost to maximising the use of social and online media to market and promote the service. It was reported that the District Council's Management Team were keen to deliver the programme of training courses to help businesses comply with food hygiene requirements in-house. It was also reported that the use of consultants to assist with the day-to-day / routine inspection activities undertaken by the Team had not proven successful in the past.

In response to a question by a Member, the Panel received an explanation of the Primary Authority Partnership Scheme, which gives businesses the right to form a statutory partnership with a single local authority. It was reported that the District Council was currently in partnership with Cambridgeshire Catering and Cleaning Services (CCS). It was not uncommon for a number of the larger organisation to have several partnerships with different authorities.

Given that the authority had a statutory duty to comply with the Framework Agreement in accordance with the Food Standards Act 1999, Members questioned what flexibility the Authority had to cease undertaking any of its current activities should it be necessary to do so. In response, the Panel were advised that there was a certain degree of room for manoeuvre.

With regard to Members' involvement within the Service Plan, concern was expressed that the Licensing and Protection Panel only consider the Plan on an annual basis. Members were of the opinion that there was a role for Members during the course of the year to monitor performance against the levels of activity that had been estimated at the start and to contribute to the discussions on the work that may not be undertaken if there were to be resourcing issues. A Member also suggested that it would be useful to receive a regular report on the number of enforcement cases and activities currently being undertaken. In terms of the annual approval process for the Plan, the Panel was informed that work was being undertaken to streamline the process such that it would become less bureaucratic.

Having noted that the draft Plan was based upon the service remaining fully staffed and that the service would be under-resourced to meet the requirements of the service plan if staffing levels were not maintained, Members expressed concerns at the failure to recruit to the existing vacancy within the Commercial Team and the impact that this would have on the delivery of the plan for 2015-16. Whilst the Commercial Team Leader was optimistic that it would be possible to fill the vacancy, Members were of the opinion that the Panel should

not approve a Plan whilst the resourcing issues were still uncertain. With this in mind and having noted that there was no statutory timescale for the approval of the Plan and that by their next meeting it would be possible to provide an update on the recruitment situation, it was

RESOLVED

that consideration of the Service Plan for Food Law Enforcement 2015-16 be deferred to the Panel's next meeting in June 2015.

(At 14.14pm during the discussion on this item, Councillor S M Van de Kerkhove took his seat at the meeting).

25. GUIDELINES RELATING TO THE RELEVANCE AND TREATMENT OF CONVICTIONS - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

By means of a report by the Head of Community (a copy of which is appended in the Minute Book) the Panel considered a number of proposed amendments to the policy guidelines relating to the relevance and treatment of convictions for hackney carriage and private hire drivers.

The Panel were informed that the existing guidelines had been in place since 2011 and that changes had now been proposed to reflect recent legislative changes and to provide greater clarity on the treatment of convictions received by existing drivers. Having noted that the existence of clear guidelines would enable the Council to provide a consistency of practice and serve to mitigate the likelihood of legal challenge it was

RESOLVED

that subject to the inclusion of 'perjury' and 'perverting the course of justice' in 'Section 44 - the list of Offences of Dishonesty', the revised guidelines relating to the Relevance and Treatment of Convictions as appended to the report now submitted be approved.

26. LICENSING AND PROTECTION APPLICATIONS SUB GROUP

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Panel noted details of the six meetings of the Applications Sub-Group, which had taken place between 11th November and 10th March 2015.

Chairman