

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Countryside Centre, Hinchingsbrooke Country Park, Huntingdon PE29 3TN on Thursday, 17 November 2016.

PRESENT: Councillor R Fuller – Chairman.

Councillors Mrs B E Boddington,
Mrs S Conboy, J E Corley, S J Criswell,
J W Davies, Mrs S A Giles, D J Mead,
Mrs J Tavener, D R Underwood and
R J West.

APOLOGY An Apology for absence from the meeting was submitted on behalf of Councillor D Watt.

23. MINUTES

The Minutes of the meeting of the Licensing and Protection Committee held on 19th July 2016 were approved as a correct record and signed by the Chairman.

Arising from which and in response to Member's questions, the Head of Community reported that the formal consultation on the restructure of the Community Division was currently being undertaken and was scheduled to conclude on 1st December 2016. This was slightly later than anticipated.

Members were also advised that the Chairman and Vice-Chairman met with the Executive Councillor for Community Resilience on a bi-monthly basis to discuss issues relating to the Community Division.

24. MEMBERS INTERESTS

No declarations were received.

25. REPORT ON THE DELIVERY OF THE HEALTH AND SAFETY SERVICE PLAN

With the assistance of a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) the Committee received an update on progress made against the Council's Health and Safety Service Plan during the period 1st April to 30th September 2016. The report provided information on the health and safety service together with data about the level of activity in each of the service areas.

By way of introduction, the Commercial Team Leader explained that the programmed work is largely driven by the Health and Safety Executive (HSE), in particular the National Enforcement Code and the Help GB Work Well Strategy.

By way of an update, Members were advised that -

- ❖ 58 Premises Inspections and Interventions have now been completed, in the period to 17th November 2016;
- ❖ A bespoke Business Card aimed to signpost new businesses to the best sources of health and safety advice had recently been produced by the Council; and
- ❖ that 16 'Matters of Evident Concern' (MEC) had been recorded since 1st April 2016, the most recent being only a few days prior to the meeting and had resulted in the issue of a Health and Safety at Work Act notice.

Attention was then drawn to Appendix 1 to the report which compared the recorded activity in each of the service areas with the predicted activity in the approved Service Plan. Members were advised that the number of health and safety complaints and requests for service were already in excess of the number approved within the Plan and that if these continued to increase there could be a knock on effect on the delivery of other services.

The Committee were advised that 13 accident and dangerous occurrence investigations had commenced within the period, details of some of the more serious were highlighted within the report. It was reported that the selection of accidents for investigation was based upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

In welcoming the revised layout which was much easier to understand, Members raised a number of questions with regards to the contents of the report.

With regard to asbestos notifications, Members were advised that the Commercial Team only dealt with statutory notifications from Asbestos contractors and that issues relating to fly-tipping were dealt with by the Council's Neighbourhoods Intervention Team. In addition, the Committee were informed that businesses were classified as high risk, in accordance with the Health and Safety Executive's Local Authority Enforcement Code which also sets out the circumstances around which Local Authorities can undertake unannounced visits.

Having noted that Officers were satisfied that the Plan remained deliverable, Members questioned at what point resources would prove inadequate given that reactive activity was increasing. In response to which, the Commercial Team Leader explained that should the number of complaints and requests for service continue to increase, consideration could be given to the introduction of a selection criteria for prioritising these issues. He was confident that given that Health and Safety was a only a small proportion of the total workload, it was unlikely that this would ever become unmanageable. In addition, the Committee were reminded that the Commercial Team had been holding a vacancy for some time, which it was proposed to fill as part of the restructuring proposals for the Community Division.

The Committee were advised that Huntingdonshire is in an increasing minority of local authorities who continue to provide a robust Health and Safety Service and Members emphasised the importance of continuing to protect those who live and work with the District.

In response to a question concerning the number of "Matters of Evident Concern" and the potential for these to divert Officers from other activities, the Committee were advised that the Council's approach was consistent with their commitment to risk-based interventions and there was no adverse effect on service delivery. To ignore a Matter of Evident Concern would be in breach of an Officer's professional Code of Conduct and Code of Ethics.

Members were then invited to consider the need for further monitoring reports to be submitted to future meetings, particularly where the Service is on target to deliver the programmed work within the Service Plan. Whilst Members were in agreement at the need to continue to monitor the activities within the Plan and to be informed of service developments, it was agreed that the Chairman and Vice-Chairman should be authorised to determine whether it was necessary for monitoring reports to appear on the Agenda for discussion or whether they could be circulated to Members of the Committee for information only.

Whereupon, it was

RESOLVED

- (a) that the contents of the Monitoring Report on the Health and Safety Service Plan for the period 1st April to 30th September 2016 be noted; and
- (a) that the Chair and Vice-Chairman be authorised to establish whether it was necessary for future monitoring reports to appear on the Agenda for discussion at future meetings.

26. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT SERVICE PLAN

The Committee considered a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) outlining progress against the Council's Food Law Enforcement Plan during the period 1st April to 30th September 2016.

Members were advised that in general terms, the Service was on target to deliver the programmed work within the Service Plan. The key activities of scheduled inspections, compliance revisits, inspections of new businesses and sampling visits were all on target.

The Committee were advised that since the last meeting, Councillors Criswell and Conboy had joined members of the Commercial Team on routine visits to business premises and the Commercial Team Leader reiterated his invitation to all Members of the Committee to help them obtain a better understanding of the workload and activities undertaken by the team. Members were also reminded that they could keep up-to-date by using the Environmental Health Twitter feed.

Having noted that unplanned (reactive) work from Customer complaints and service requests were slightly ahead of predicted

numbers, Members were advised that changes to the selection criteria for the prioritisation of issues had been made a few weeks ago to manage the rising numbers.

Attention was then drawn to Appendices 1 and 2 of the main report, which set out detailed information concerning the delivery of the Food Law Enforcement Service Plan. In doing so, Members were advised that the number of new businesses continued to be an unpredictable demand on resources, with the greatest number being in St Neots during the recording period. However the Service continued to meet the Corporate Performance Indicator which required that 50% of newly registered food businesses were inspected within 28 days of registration.

Attention was also drawn to the Team's commitment to the Secret Garden Party and it was reported that the number of hours for the 2016 event had reduced from the previous year. Members noted that the Garden Party Organisers had been advised about monitoring their own standards.

In considering the information within the report, Members were pleased to note that despite the increase in reactive activity, Officers were satisfied that the Plan remained deliverable. In response to a question regarding the UK Communication for Compliance Trial, Members were advised that the Authority had received an invitation from the Better Regulation Delivery Office to participate in a pilot to test whether the way in which the Council deals with businesses is user friendly.

With reference to the introduction of the new selection criteria for the prioritisation of complaints, the Commercial Team Leader was invited to summarise the details of a recent complaint where the complainant had been dissatisfied with the priority given to the issue. In doing so, he outlined the factors which had been considered as part of the prioritisation of this issue. Members were also advised that individuals would be signposted to other relevant organisations who may be able to assist where this was appropriate.

It was suggested that it might be useful to ascertain from health colleagues as a statistic, the percentage of cases presenting at GP practices with food poisoning compared to those with cases of sickness and diarrhoea as these were often confused.

Whereupon in line with their previous decision on the monitoring report for the Health and Safety Service Plan, it was

RESOLVED

- (a) that the contents of the Monitoring Report on the Delivery of the Food Law Enforcement Service Plan for the period 1st April to 30th September 2016 be noted.; and
- (b) that the Chair and Vice-Chairman be authorised to establish whether it was necessary for future monitoring reports to appear on the Agenda for discussion at future meetings.

27. THE FOOD HYGIENE RATING SCHEME (FHRS) - INTRODUCTION OF COST RECOVERY ARRANGEMENTS FOR RE-SCORING VISITS

With the assistance of a report by the Commercial Team Leader (a copy of which is appended in the Minute Book) the Committee received an update on the introduction of cost recovery arrangements for the provision of re-scoring inspections associated with the Food Hygiene Rating Scheme (FHRS).

Historically local authorities have not been allowed to charge for re-scoring inspections, however following the implementation of the Localism Act 2011 which allowed local authorities to introduce charges subject to certain criteria, the Food Standards Agency (FSA) have formed the view that it is appropriate to charge for re-scoring visits on request.

Members were advised that in July 2016, the District Council had been invited to participate in a trial to test the introduction of cost recovery arrangements over a 12 week period to 7th November 2016. All participating authorities would be able to continue to recover costs after the trial and were expected to report back to the FSA with their findings.

The Committee noted that the introduction of cost recovery represented a new income stream for the Authority and since the introduction of the fee, five business had applied for re-scoring inspections. This was consistent with the number of requests received in 2015-16.

Having noted that the Council was required to report back to the FSA on the results of the trial, Members were invited to comment on the introduction of the fee. In doing so, Members unanimously expressed their support for the introduction of the arrangements and expressed their wish for these to continue.

Having noted that it was expected that the mandatory display of FHRS window stickers to would be introduced in 2017, Members commented on the impact that this might have on the number of future applications for rescoring received by the District Council and the opportunity that this might create to generate additional income.

Whereupon, it was

RESOLVED

- (a) that the Committee's comments be incorporated into the final report to the Food Standards Agency on the results of the trial; and
- (b) that further reports should be submitted to a future meeting.

28. DRIVER TESTING FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS

With the assistance of a report by the Head of Community (a copy of

which is appended in the Minute Book) the Committee considered a proposal to establish a replacement scheme for the driver testing of prospective Private Hire and Hackney Carriage drivers.

Members were reminded that in October 2011, the Licensing and Protection Panel approved the Driving Standards Agency's (DSA) driver's assessment as the appropriate qualification for all new applicants for Private Hire and Hackney Carriage driver's badges and for cases where there are serious concerns as to the fitness of an existing driver. However the DSA had recently announced that they were going to withdraw the assessment with effect from 31st December 2016, which resulted in the need to establish a suitable replacement as a matter of urgency.

Having been reminded that it was a requirement within the District Council's policy that an appropriate formal driving qualification be undertaken, attention was then drawn to the options which were available to the Council. Members were advised that in view of the short timeframe imposed upon the Authority by the DSA, the Council had established an interim arrangement with the Blue Lamp Trust, a police fire and ambulance registered charity that has been delivering taxi driver assessments for over 5 years. Feedback from the applicants who had undertaken these tests had been positive thus far and Members were advised that the charge for a test includes a £7 per test tax rebate which is paid at the end of the financial year in a 'grant cheque' for the Council to award to a community group or project within the area.

In discussing the information within the report, Members were advised that one of the biggest complaints regarding the DSA testing had been the waiting times. The benefit of the Blue Lamp proposal was that applicants were able to secure their tests within a quicker timeframe and were able to benefit from a more local test location in Huntingdon. Clarification was also sought from Members as to the basis by which the costs charged by the Trust were calculated and the extent to which the price was competitive.

Having noted that this would be an interim solution, pending further investigation by the Head of Community into the other options available for a more permanent solution and the urgent need to address the situation given that it was no longer possible to book a DSA test slot in Cambridge in 2016, it was

RESOLVED

- (a) that the contents of the report, together with the options put forward be noted;
- (b) that the existing District Council requirement that an appropriate formal driving qualification be undertaken and obtained for all new applicants for Private Hire and Hackney Carriage driver's badges and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems be retained;
- (c) that the appropriate qualification be amended from the DSA driver's assessment for Private Hire and Hackney Carriages or

future equivalent testing body, to include other equivalent testing bodies e.g. The Blue Lamp Trust;

- (d) that tests be valid for a period of one year from the pass date;
- (e) that should an annual test rebate be paid at the end of the financial year in the form of a 'grant cheque' that it be awarded to a charity approved by the donator and the Chairman of the Licensing & Protection Committee for the benefit of a community project within the area; and
- (f) that delegated authority remain for the Head of Community, after consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee to determine whether a test should be undertaken in circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence and that each case should be considered on its individual merits.

29. LICENSING AND PROTECTION SUB-COMMITTEE

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee noted details of the 4 meetings of the Licensing and Protection Sub-Committee which had taken place between 2nd August 2016 and 1st November 2016.

30. SUSPENSION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENCES UNDER DELEGATED POWERS

With the aid of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee noted details of the 2 vehicle licences which had been suspended on safety grounds under the powers delegated to the Head of Community since the last meeting of the Committee.

Having been advised that both vehicle licences had now been reinstated, Members queried whether it was possible for the Council to make a charge for their reinstatement. In response to which, Members were reminded that licensing fees were set by the local authority on a cost recovery basis and the Head of Community undertook to the matter further consideration and report back to a future meeting.

31. DATE OF NEXT MEETING

Members were advised that the next meeting of the Committee would be held on Tuesday 21st February 2017 at 2pm.

Chairman