

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite 0.1B, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 22 March 2017.

PRESENT: Councillors Mrs B E Boddington,
Mrs S Conboy, J E Corley, S J Criswell,
J W Davies, R Fuller, D J Mead,
Mrs J Tavener, D R Underwood, D Watt and
R J West.

APOLOGY: An Apology for absence from the meeting were submitted on behalf of Councillors Mrs S A Giles.

32. ELECTION OF CHAIRMAN

RESOLVED

that Councillor S J Criswell be elected Chairman of the Committee for the remainder of the Municipal Year.

Councillor S J Criswell in the Chair.

In thanking the Committee for his election Councillor Criswell paid tribute to the former Chairman, Councillor R Fuller who would continue to serve on the Committee as the Cabinet Member with responsibility for Housing and Regulatory Services.

33. MINUTES

The Minutes of the meeting of the Licensing and Protection Committee held on 17th November 2016 were approved as a correct record and signed by the Chairman.

34. MEMBERS' INTERESTS

Councillor S J Criswell declared a non-disclosable pecuniary interest in Minute Nos. 35, 36, 37 and 38 by virtue of his membership of Cambridgeshire County Council.

Councillor J E Corley declared a non-disclosable pecuniary interest in Minute No.35 by virtue of his membership of St Neots Town Council.

35. PROPOSED PUBLIC SPACE PROTECTION ORDERS FOR ST NEOTS

By means of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee considered a proposal for the implementation of two Public Space Protection Orders (PSPOs) in St Neots under the Anti-Social Behaviour Crime and

Policing Act 2014.

The Committee were advised that the Orders were being proposed in response to persistent complaints from residents of 'boy racers' congregating and causing alarm, harassment and distress to those in the vicinity and were intended to cover (i) the areas of Riverside Car Park, the Market area and the area in between and (ii) the areas of Little End and Howard Road Industrial Estates and Colmworth Business Park for a three year period from 1st April 2017. Details of the proposed prohibitions contained within these orders were set out in detail at Section 1.2 of the report and provided to Members of the Committee.

Members were informed that consultation had been carried out for a period of 28 days during January and February 2017 within the proposed areas with statutory consultees, identified relevant bodies, residents and businesses and there had been no opposition to the proposal. A supplementary paper outlining the support of the Police and Crime Commissioner to the proposals was also tabled at the meeting (a copy of which is appended in the Minute Book). Members were also reminded of the success of the Public Space Protection Order in Huntingdon Town Centre in reducing street drinking within the town.

With regard to the enforcement of the Orders, the Committee were advised that Public Space Protection Orders could be enforced by Officers of the Constabulary as well as delegated Officers of the District Council.

In considering the information within the report, Members commented on the potential for the implementation of these Orders to disperse activity to other parishes within the District and commented on the need to actively communicate with other parishes within the District to manage these risks. In response to which, the Committee were advised that this had been fully considered in the development of the proposals and would continue to be monitored by the area based Problem Solving Groups following the implementation date who would agree further action if required.

With regard to the prohibitions within the Order, comment was made regarding the levels of noise which would be deemed as unreasonable given that there were no limits specified within the Orders. In response to which, the Committee were advised that the regular perpetrators were well aware of the levels of acceptability, however there would be an element of discretion on behalf of the enforcing officers in addressing this issue similar to the Designated Public Protection Order (DPPO) which was in place in St Ives.

In response to a question concerning the enforcement of the Orders, the Committee were advised that having considered the pattern of events following the implementation of the Huntingdon Town Centre PSPO, it was believed that whilst the Orders might be resource intensive initially, through effective publicity and enforcement of the prohibitions within the first few months it was envisaged that demand would subside after the first few months.

In response to a question regarding the size of the areas which the

PSPOs would cover and whether these were of a sufficient given the potential for displacement of the existing issues, the Committee were reminded that the Orders were being proposed to tackle an existing issue and that the areas proposed related to crime data and calls for service to Cambridgeshire Constabulary. It was explained that the Orders could be amended at any time, provided the statutory consultation was undertaken and sufficient evidence available to meet the required tests.

In concluding the discussion on this item, the Executive Councillor for Housing and Regulatory Services took the opportunity to remind the Committee that the Orders were being proposed to tackle an existing issue based upon reported crime figures and would enable the District Council to tackle an ongoing issue by a specific group of individuals. He explained that the problems in St Neots centred around specific isolated sites as opposed to residential streets and due to the nature of these it was also considered that displacement would be unlikely, however this would continue to be monitored.

Whereupon, it was unanimously

RESOLVED

that the implementation of two Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014 for the areas of St Neots (as shown in Appendix A and B to the report now submitted) in response to persistent complaints of the anti-social behaviour caused by 'boy racers' be approved with effect from 1st April 2017 for a three year period.

36. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS

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 delivery of work in Council's Food Law Enforcement and Health and Safety Plans during the period 1st April 2016 to 28th February 2017.

Having noted that in general terms the service was on target to deliver the programmed work within the approved Plans, Members attention was drawn to the increase in unplanned (reactive) as opposed to programmed work, where recorded activity was exceeding that which had been predicted. These included inspections of new food businesses, an increase in health and safety complaints / requests for service and an increase in the commencement of accident and dangerous occurrence investigations.

In discussing the increase in activity in these 'reactive' areas which had been categorised as 'Red' within the report, Members commented that this was a reflection on demand as opposed to performance which was not within the Council's direct control and questioned whether there was a better way to categorise this within the report such that it was not portrayed as a negative. However following further discussion it was concluded that the report continued

to serve the purpose of the committee.

In response to a question regarding future planning given the increase in demand in reactive work, the Committee were advised that activity was very difficult to predict and that there was no upward trend. An analysis from 2010 showed upward and downward fluctuations on a year on year basis. However, if necessary changes could be made to the selection criteria for the prioritisation of issues to manage the increasing number of complaints.

Whereupon, it was

RESOLVED

- (a) that the contents of the Monitoring Report on the Delivery of the Food Law Enforcement Service Plan and the Health and Safety Service Plan be noted; and
- (b) that further monitoring reports should continue to be submitted to future meetings of the Committee.

37. PROVISIONAL SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2017-18

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee considered the contents of the 2017-18 Provisional Service Plan for Food Law Enforcement.

Members were reminded that the Food Standards Agency (FSA) requires every local authority to outline how it will fulfil its duty to deliver official food controls within the District. The arrangements detailing how and at what level the official controls will be delivered must be laid down in the form of a Service Plan for Food Law Enforcement.

Members were advised that the Provisional Service Plan for 2017-18 sets out how the food safety and hygiene function within the Council will be delivered over the coming year and details the resources required to deliver the service, together with a review of the previous year's performance.

In terms of the 2017/18 Provisional Plan, the Committee were informed that due to revised methods of calculating internal recharges and overheads, the budget for 2017-18 is 9.4% lower than the previous year. It was also explained that the Service would need to keep abreast during the year of the FSA's plans for the regulation of food law on a nationwide basis which could have a significant impact on food law enforcement in Huntingdonshire, together with the expected introduction of the mandatory display of food hygiene rating stickers at all food premises. The Plan would continue to be reviewed over the next few weeks as the leadership and composition of the new Business Team in the Community Division is finalised with a view to the presentation of the final version at the Committee's next meeting.

In reviewing the contents of the provisional plan, comment was made to the increase in Direct Costs (salaries, NI and pensions) compared to the previous year. Members were advised that this related to the outcome of the recent restructure within the Community Division which had resulted in an increase in the numbers of front line staff. Members were informed that the restructuring exercise was now nearing completion.

An explanation was also sought as to the reasons for the review of internal recharges and overheads and the consequent reduction in the budget for food law enforcement by 9.4%. In response to which the Head of Community explained that a review of all recharges had been undertaken following the launch of the Council's 3C Shared Services and to promote good financial practices which had resulted in significant changes to the calculation methods. With this in mind and for comparison purposes, he urged members to focus on the direct costs within the report.

Whereupon, it was

RESOLVED

- (a) that the Provisional Service Plan for Food Law Enforcement 2017-18 be approved in accordance with the Council's Constitution; and
- (b) the final Service Plan for Food Law Enforcement be presented to the Committee for consideration at their next meeting on 5th July 2017.

38. PROVISIONAL SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2017-18

With the assistance of a report by the Head of Community (a copy of which was appended in the Minute Book) the Committee considered the contents of the 2017-18 Provisional Service Plan for Health and Safety Regulation.

The Committee were reminded that the Health and Safety Executive (HSE) is the national regulator for health and safety and requires every local authority to outline how it will fulfil its duty "to make adequate arrangements for the enforcement of the relevant statutory provisions within its area". The Service Plan for Health and Safety Regulation outlines how the Council's role as a health and safety regulator will be delivered and details the resources required to deliver the service, together with a review of the previous year's performance. The Plan is also required to align with the National Local Authority Enforcement Code and Local Authority Circulars.

Members were informed that historically 20% of establishment posts have been allocated to health and safety activity, however based upon 2016 data this has been reduced to 15%. This has contributed significantly to the reduction in the overall budget by 36% compared to the previous year.

In considering the details within the provisional Service Plan, Members have asked questions concerning the use of tanning beds

at the One Leisure Centres and the responsible authority for dealing with sewage discharge into local rivers and streams. In response to which, the Committee has noted that one of the Health and Safety Executive's Individual Industry Standards relates to the beauty sector and whilst some targeted work had been undertaken by the Authority several years ago it might be an appropriate time to give the matter further consideration. Members noted that the Environment Agency retained jurisdiction for rivers and streams.

In response to a specific question regarding Smoke free enforcement work, Members noted that this has now become integrated into routine inspection activity and in response to specific complaints from Members of the Public. A Member questioned whether there was a need to further publicise that this service was provided by the District Council, however Officers were of the opinion that given that breaches of the regulations were few and far between there was no additional need.

Whereupon and having noted that the Provisional Service Plan will be further reviewed over the next few weeks as the leadership and composition of the newly established Business Team within the Community Division is established, it was

RESOLVED

(a) that the 'Provisional Service Plan for Health and Safety Regulation 2017-18 be approved; and

(b) that the final Service Plan should be presented to the Committee's next meeting on 5th July 2017.

39. 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 14th December 2016 and 20th March 2017.

40. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS 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 the details of 2 driver licences which had been revoked under the powers delegated to the Head of Community since the last meeting of the Committee.

41. ANNUAL TRAINING FOR MEMBERS

Members noted that the annual training for Committee Members would be held on Wednesday, 7th June 2017 at Pathfinder House, Huntingdon.

Chairman