

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 20 June 2018.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, Mrs M L Beuttell,  
J R Clarke, S J Corney, Mrs A Dickinson,  
Mrs S A Giles, Mrs P A Jordan and  
D J Mead.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors L W McGuire and Mrs P E Shrapnel.

### 5. MINUTES

Subject to the inclusion of Councillor P A Jordan in the list of attendees for the meeting on 23rd May 2018, the Minutes of the meetings of the Licensing and Protection Committee held on 7th March and 23rd May 2018 were approved as correct records and signed by the Chairman.

### 6. MEMBERS INTERESTS

No declarations were received.

### 7. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2018-19

Pursuant to Minute No. 32, consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached the provisional 2018-19 Service Plan for Food Law Enforcement.

The Committee were reminded that the Food Standards Agency (FSA) requires every local authority to outline how it will fulfil its duty to deliver food controls within the District. The resultant Service Plan sets out how the food safety and hygiene enforcement 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. Since the last meeting it had been updated to reflect the end of year performance figures and the budgetary position.

The Committee were advised that the Council would continue to adopt a risk based proactive approach to food hygiene inspections and attention was drawn to the Service's Key Priorities for the coming year, these included:

- ❖ 'Better Business for All' – working collaboratively with local authority colleagues to provide transparent, consistent and accessible regulatory advice;

- ❖ Adopting clear messages to communicate effectively to local business how to comply with legislation;
- ❖ Targeting low performing business with additional coaching and advice;
- ❖ The introduction of new regulations to reduce acrylamide in foods; and
- ❖ The promotion of the Healthier Options Scheme to introduce preparation methods or menu choices which contribute to a healthier diet.

With regards to the risks which could impact on the implementation of the Plan, Members commented on the continuing vacancies within the Business Team and noted that efforts were ongoing to fill these positions in a difficult employment market. Whilst the proposed plan for 2018/19 was based upon a full staffing complement, Members would be able to monitor the impact of this on service levels through the progress reports which are presented to the Committee on a quarterly basis.

In reviewing the predicted programme of proactive activity, Members commented on the predicted increase in the number of Alternative Enforcement Strategy (AES) inspections and noted that visits to these lower risk premises were undertaken on a rolling programme. The predicted figure within the report was the number on which the Service would expect to require an intervention in the forthcoming year.

Whereupon, it was

**RESOLVED**

that the Service Plan for Food Law Enforcement 2018-19 be approved in accordance with the Council's Constitution.

## **8. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2018-19**

Pursuant to Minute No. 33, consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached the 2018-19 Provisional Service Plan for Health and Safety Regulation.

The Committee were advised that the Health and Safety Executive (HSE) 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 resultant Service Plan for 2018-19 sets out how the health and safety function within the Council will be delivered over the forthcoming year and details the resources required to deliver it, together with a review of the previous year's performance. The Plan was largely unchanged from the version submitted to the Committee in March 2018, however performance figures for the last quarter of the year had now been incorporated.

In reviewing the proposed plan, a Member commented on the benefits which might be secured from health and safety partnerships

and suggested that this could warrant further consideration.

Whereupon and Members having been urged to familiarise themselves with the details of the Plan to ensure a better understanding of the ways in which the Council deals with Health and Safety incidents, it was

RESOLVED

that the Service Plan for Health and Safety Regulation 2018-19 be approved.

**9. UPDATE ON CONSULTATION ON THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee received an update on the responses received from the public consultation exercise undertaken on a Draft Hackney Carriage and Private Hire Licensing Policy.

Members were advised that seven written submissions had been received during the consultation period alongside forty valid on-line survey responses. The majority of which were strongly in favour of the Council establishing an overarching policy document that reflects current legislation and guidance, that is relevant and kept up to date. Attention was drawn to the specific issues relating to good practice which the Council would address and include as part of the proposed new policy following the consultation.

In reviewing the consultation responses, Members welcomed the positive responses and feedback which had been received from the exercise. However it was suggested that further explanation was required in those areas which had been supported by the consultation but the Council had decided not to pursue.

In response to a question, the Chairman reminded the Committee that it had been agreed at the last meeting that there should be further exploration of the option to require a uniform appearance for Hackney Carriage vehicles within the District. However this may be a longer term objective.

The Committee went on to discuss the potential to limit the number of Hackney Carriage Vehicle licences granted within the District. However having noted that there had been a general move away from this in recent years, the results from the consultation and a desire to encourage open competition the Committee agreed that they were not minded to pursue this as an option at this stage.

Having noted that work on developing the new policy was continuing, Members were also advised that work was also being undertaken to develop the business case for the implementation of the training and testing elements proposed within the new policy. This would include a cost impact assessment to the trade and a timeframe for the introduction of the new elements for new and existing licence holders.

The final policy would be brought back to the Licensing and Protection Committee for approval in due course.

**10. THE ENVIRONMENTAL OFFENCES (FIXED PENALTIES) (ENGLAND) REGULATIONS 2017**

With the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee received an update on the implementation of the Environmental Offences (Fixed Penalties) (England) Regulations 2017 which came into force on 1st April 2018.

The Committee were informed that Fixed Penalty Notices are a civil enforcement sanction used by Local Authorities as an alternative to prosecution for certain offences, The new Regulations make changes to the level of penalties for environmental offences setting a default, minimum, maximum and lesser penalty amount.

Having noted that penalty levels had not been reviewed for some time, the Committee were advised that the report proposed that Fixed Penalty Notices issued by Huntingdonshire District Council for Environmental Offences should be at the maximum level and not to offer a lesser amount for early payment. The number of Fixed Penalty Notices issued by the Council within the last year had increased and it was hoped that the increase would demonstrate the seriousness with which the Council views these type of offences. Details of proposed fine levels for specific offences were set out in paragraph 3.1 of the report.

Having welcomed the proposed increases as a deterrent against environmental offences, Members were advised that the ability to set differing amounts at a minimum or maximum level was intended to allow local flexibility such that local authorities could prioritise different offences for action. The issuing of Fixed Penalty Notices features as part of the delivery of the Council's Corporate Enforcement Policy and very much as a last resort.

In response to a Member's question concerning the Council's policy on nuisance parking, the Committee were advised that whilst the Authority maintained a policy for those parking on District Council land, Cambridgeshire Constabulary were responsible for on-street parking and Members were advised to speak to their local policing team regarding any specific ongoing problems.

Whereupon and having noted that new Fixed Notice Penalty fine levels would be implemented from 1st July 2018 and that there will be minimal resource implications, it was

**RESOLVED**

- a) that the Council's Scheme of Delegation be updated to adopt the powers contained within the Environmental Offences (Fixed Penalties) (England) Regulations 2017;
- b) that Fixed Penalty Notices be issued at the 'maximum penalty amount' and that a lesser amount for early payment will not be offered, as defined within the Environmental Offences (Fixed

Penalties) (England) Regulations 2017 or any future amendment to the Regulations involving fine levels;

- c) that the responsibility for the creation and maintenance of policies and procedures regarding the Environmental Offences (Fixed Penalties) (England) Regulations 2017 be delegated to the Head of Community in consultation with the Executive Councillor for Regulation and Operations.
- d) that the Head of Community be authorised for the purposes for enforcement of the Environmental Offences (Fixed Penalties) (England) Regulations 2017, with the ability to authorise such other Officers as considered appropriate. In the case of any legal action, any decision to be made in consultation with the Head of Legal Practice.

## **11. THE LITTERING FROM VEHICLES OUTSIDE LONDON (KEEPERS: CIVIL PENALTIES) REGULATIONS 2018**

With the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee were advised of the implementation of the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 which came into force on 1st April 2018.

As a result of this new legislation the Committee were informed that local authorities are now able to issue Fixed Penalty Notices (FPNs) specifically for the offence of littering from a vehicle. Member's permission was being sought to utilise this new power and to set the levels for Fixed Penalty Notices at the maximum amount to demonstrate the seriousness with which the District Council takes this offence.

In discussing the report, Members noted that the Council has been issuing Fixed Penalty Notices of £75 for a littering offence. The evidence to-date suggests the offender is more likely to pay the penalty than not and reduces the likelihood of repeat offenders. Information was also provided on the powers which could be utilised to tackle local businesses who committed littering offences.

Having noted that the new fine level would be implemented from 1st August 2018 following a local publicity campaign and that there will be minimal resource implications, it was

### **RESOLVED**

- a) that the Council's Scheme of Delegation be updated to adopt the powers contained within The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018;
- b) that Fixed Penalty Notices will be issued at the 'maximum penalty amount' and that a lesser amount for early payment will not be offered, as defined within The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 or any future amendment to

the Regulations involving fine levels;

- c) that the responsibility for the creation and maintenance of policies and procedures regarding The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 be delegated to the Head of Community, in consultation with the Executive Councillor for Regulation and Operations;
- d) that the Head of Community be authorised for the purposes of enforcement of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, with the ability for the to authorise such other Officers as considered appropriate. In the case of any legal action, any decision to be made in consultation with the Head of Legal Practice; and
- e) that the Head of Community be authorised to determine representations against the penalty notice as defined within Part 4 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 or any future amendments to the Regulations

## **12. REPRESENTATIONS ON EXTERNAL ORGANISATIONS**

With the assistance of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee were invited to review the Council's representation on those organisations to which it appoints.

Whereupon and having noted that local ward councillors had been proposed for the four appointments, it was

**RESOLVED**

that nominations be made to the following organisations for the period to 4th May 2022 -

<b>Organisation</b>	<b>Representative</b>
Cambridgeshire Consultative Group for the Fletton Brickworks Industry	Councillor E R Bu
Little Barford Power Station Liaison Committee	Councillor B Bank
Needingworth Quarry Local Liaison Committee	Councillors L Bes J Neish
Warboys Landfill Local Liaison Committee	Councillor J Taver

## **13. 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 received and noted the details of four meetings of the

Licensing and Protection Sub Committee which had taken place between 14th March and 25th April 2018.

**14. 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 actions which had been taken since the last meeting under the Head of Community's delegated authority.

Chairman