

LICENSING COMMITTEE

4 MARCH 2015

Present: Councillor J Brown (Chair)
Councillor P Jeffree (Vice-Chair)
Councillors I Brown, J Connal, K Crout, G Derbyshire,
K Hastrick, M Hofman, B Mauthoor, G Saffery, D Scudder and
S Williams

Also present:

Officers: Environmental Health and Licensing Section Head
Solicitor
Environmental Health Manager (Commercial)
Licensing Manager
Licensing Officer
Committee and Scrutiny Support Officer (AG)

14 APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP

Apologies for absence had been received from Councillors Mills, Lynch and Khan.

15 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

16 MINUTES

The minutes of the meeting held on 12th January 2015 were submitted and signed.

17 FOOD SAFETY LAW ENFORCEMENT SERVICE PLAN 2015-17

The Committee received a report of the Head of Community and Customer Services outlining the Food Safety Law Enforcement Service Plan 2015-17

The Environmental Health Manager introduced the report. He explained that the Plan was required by the Foods Standards Agency and that local authorities must have sufficient resources to deliver it. He said that food safety was a very important issue so as to protect consumers and to avoid high profile cases; such as serious illness or death from food poisoning. The intention was to seek better food ratings for Watford. He outlined the

Borough's key achievements contained in the report and then discussed the following items:

- Use of contractors.
- Risk Based Inspection Programme.
- Enforcement approach and associated statistics.
- Food Hygiene Rating Scheme.
- Feed and food complaints.
- Advice to businesses
- Control and investigation of outbreaks of food related infectious disease.

He concluded by making reference to a food hygiene course provided by the Council commenting that it had been extremely well received and was highly regarded.

Councillor S. Williams asked whether the figure of 592 caterers in Watford was high in comparison to other towns. The Environmental Health Manager explained that in some areas the numbers were higher; such as in Dacorum Borough Council's area where there were between 1300 to 1400. There had been a 20 percent increase in caterers in Watford in the past five years.

In response to a question from Councillor I. Brown in relation to the 85 unrated registered food businesses and the target of 28 days from registration to inspection to reduce their number, the Environmental Health Manager explained that these were all low risk businesses with their inspection prioritised on the basis of the risks their activity presented. In the main the businesses were childminders and home bakers. He outlined the objective to reduce this number to 60 by the end of March and then to further reduce to ten. Where it was not possible to inspect within the 28 days information was sent to the business to provide advice and assistance. However, he was confident that the number would reduce significantly. The Environmental Health and Licensing Section Head commented that there had been a back log of child minder inspections in the last year and that this would be cleared by the end of March.

Councillor Saffery asked a further question in relation to the Risk Based Inspection Programme with reference to the numbers in the A, B and C risk ratings. The Environmental Health Manager explained that the details would not be fully known until verification had taken place but any businesses found to have full catering would be a higher priority. He said that his Department had introduced improved systems that would enhance outcomes this year. The Environmental Health and Licensing Section Head explained that a statutory form was completed by businesses that enabled a risk assessment to take place followed by a suitable grading and appropriate resources allocated to the level of priority. Any backlog only related to low risk premises.

ACTION – the Environmental Health Manager to provide the Committee with an update on the Risk Based Inspection Programme statistics in six months.

Councillor Derbyshire outlined the number of good restaurants and bars in Watford and also the importance of the catering business to the town. He asked how many cases of food poisoning there had been in the last 12 months. The Environmental Health Manager explained that whilst there had been a number of food poisoning notifications in the last year none had been conclusively linked to businesses in Watford . However, exact figures were difficult to determine without an outbreak and where a number of people may go to hospital for example. It would then be possible to look for patterns and to potentially identify a particular meal as the cause and take appropriate action. He concluded by saying that some enforcement notices had been issued in the last 12 months.

In response to a further question from Councillor Derbyshire, the Environmental Health Manager referred Members to page 15 of the report explaining that 40 notifications had been received in the last financial year. He said that on receipt of a complaint his Department would investigate and seek to establish the cause; whether due to the premises, animal or water, for example. He commented that standards were satisfactory. The Environmental Health and Licensing Section Head said that the risk ratings and inspection regime were extremely important. She explained that Environmental Health focused on talking to staff and management when conducting inspections at premises asking what the business did to avoid contaminating food. Whilst there was an element of physical checks (such as looking in fridges) talking to staff was the best methodology to determine how effectively a business was operating. Where ratings were good, businesses could place a sticker in the window advertising this to be the case which could potentially increase the number of customers. The public would be more likely to visit a premises with a 'five' rating as opposed to a business with a 'one' rating. It would be an Environmental Health priority to drive this approach in relation to inspections in the coming year.

Councillor Hofman asked how much a Health Certificate cost. The Environmental Health Manager explained that these cost £35. In response to a further question from Councillor Hofman, the Environmental Health Manager explained that the 'Non fixed costs' referred to on Page 17 of the report related to salaries and that 'income' was as listed on Page 18.

Councillor Crout explained that he was the Portfolio Holder for this subject area. He said that Environmental Health would respond quickly where the public brought matters of concern to attention. He outlined a case with a fish shop premises where a problem was resolved within 24 hours. He was impressed with how well Environmental Health worked proactively with premises – such as advising stall holders in parks on how to keep food at the right temperature for example.

Councillor Scudder made reference to the Primary Authority Scheme asking whether this involved more than just the TK Maxx premises. The Environmental Health Manager explained that it related to just this premises at present and discussed how another company had been signed up with another local authority. The Environmental Health and Licensing Section Head explained that the scheme was self funding by business. She explained that it saved business time and provided consistency across companies. She said that they had pitched to other companies outside the area. However, it was necessary that companies had the right culture and standards as otherwise it would not be good for the Borough's reputation. There was an intention to pitch with additional companies over the coming year.

Councillor Saffery asked whether it was possible for companies to put stickers with ratings on their websites. The Environmental Health Manager said that it was and that it was a good idea. He had already had discussions with some companies about the issue.

Councillor S. Williams asked whether large premises, such as supermarkets, reported food hygiene complaints they received to the Council. He discussed an issue involving a local supermarket. The Environmental Health Manager explained that supermarkets were not obliged to report such complaints but that Environmental Health had a good relationship with them; as with all businesses. He outlined a case where a supermarket was issued with a caution following a complaint. In response to a further question from Councillor Williams, the Environmental Health Manager explained that it would not be practicable to ask supermarkets to report complaints to the Council as it was Coalition policy to reduce burdens on companies and that the Council should only proactively contact them at the frequency laid out in the Food Standards Agency's Code of Practice; consequently, the Council would struggle to make such requests. The Environmental Health and Licensing Section Head explained the caution process.

Councillor Hofman asked what the 'Additional food inspections by contractors if needed' of £4,250 (referred to on page 17 of the report) related to. The Environmental Health Manager explained that these related to low risk inspections (but with a level of priority) conducted by contractors where there was insufficient Council staff to carry them out. These were risk based and all contractors were accredited. In response to a further question from Councillor Hofman, the Environmental Health Manager explained that there had been 35 inspections conducted by contractors in the last year although they would prefer to use in house staff where possible. He outlined the inspection regime. The Environmental Health and Licensing Section Head explained that Environmental Health work was reactive; consequently the budget would be used where needed. However, whilst using contractors was safe and with regulations detailed, they would not be used in other areas due to the higher risk.

Councillor Hofman asked whether the Council issued fines. The Environmental Health and Licensing Section Head explained that there was no legal right for the Council to do so. Rather, fines could be imposed through formal court proceedings.

Councillor Connal asked how the public was protected before an inspection was carried out on premises with a rating of 'Urgent Improvement Required'. The Environmental Health Manager explained that much would depend on the severity of the issue but the priority was to protect the public. In serious cases the premises might be asked to close down pending inspection; and a court could order this where a premises refused. In more minor cases, where food safety was less of an issue, this approach would not be necessary. Where a premises was formally closed it would have a notice displayed on it indicating this to be the case. As a result, everyone would be aware of the closure and this was an incentive for businesses to cooperate.

RESOLVED –

That the committee recommends the Food Safety Law Enforcement Plan to Council for approval, subject to the following amendments suggested by the Committee:

1. In item 2.4 under 'Access to the Food Service' the times where customers can use the Environmental Health service be amended to read '8.45 a.m. to 5.15 p.m. (4.45 p.m. on Fridays).'
2. In item 3.1 under 'Risk Based Inspection Programme' the wording in category 'E' be amended to read 'A well run newsagent selling only pre-packed drinks, crisps and sweets.'

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REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

The Committee received a report of the Head of Community and Customer Services outlining a revised vehicle licensing policy and conditions.

The Licensing Officer introduced the report. He explained that the policy and conditions had been amended due to changes in legislation, suggestions by drivers and input by officers. He outlined how drivers were consulted during the review process; where issues of failing inspections for minor infringements and the number of seats in vehicles were raised as the predominant matters of concern. With regard to the number of seats; it was now proposed that the seats licensed in a vehicle would equate to those as described in a vehicles' registration certificate.

The Licensing Officer explained that the review process had included the updating of conditions that were out of date and the merging of two

separate and lengthy policy and conditions documents into one streamlined document of seven pages; making this more convenient and more accessible.

The Licensing Officer proposed an amendment to Appendix Two of the report on page 42, item 8(2); removing the requirement for Hackney Carriages and Private Hire vehicles to have a Ministry of Transport Test Certificate, regardless of the age of the vehicle, when applying for vehicle licences. It was proposed that instead, a vehicle should not require such a certificate until it was one year old from the date of registration. This would relax the current policy which in effect required new vehicles to have a certificate when applying for a vehicle license; this appeared somewhat disproportionate. Also, the revised policy would bring Private Hire Vehicles in line with the law as it related to Hackney Carriages. However, it was open to the Committee to prescribe any time period for up to three years from the date of registration for a Private Hire vehicle to have a test certificate (when they were required to have one by law), whereas it was only a legal requirement for a Hackney Carriage to have a certificate after the first year from registration.

Councillor Scudder asked why there was this disparity in the law in relation to the time periods when Hackney Carriages and Private Hire vehicles had to have Ministry of Transport Test Certificates. The Licensing Manager suggested that this may be because Private Hire operators had a greater degree of control than that in relation to a Hackney Carriage owner. The Licensing Officer added that this might also be because Hackney Carriages undertook more mileage when plying for hire than Private Hire Vehicles which would only collect fares following booking.

The Chair summarised the proposal explaining that it would provide equilibrium for both types of vehicle with an emphasis on safety.

Councillor Derbyshire asked how steps could be taken in the future to ensure that vehicles were taxed; as tax discs were being dispensed with. The Licensing Officer explained that checks would be undertaken during inspections using the vehicle registration certificate and going on to the gov.uk website.

Councillor Jeffree commented that keeping the time periods for Ministry of Transport Test Certificates for Hackney Carriages and Private Hire vehicles when applying for vehicle licenses was correct and kept matters simple. He asked what the charge was for a certificate. The Licensing Officer explained that garages could charge up to a maximum of £52 but in some instance it might be free of charge.

Councillor Jeffree said that he agreed with the suggested policy around the number of seats in a vehicle; keeping it simple, like the Ministry of Transport Test Certificate issue, was the right approach. However, he felt that there was too much discretion with regard to first aid kits and fire extinguishers. He asked what was meant by an 'appropriate' fire

extinguisher as described in the policy and questioned whether some guidance or advice should be given. The Licensing Officer explained that explanatory notes would be issued to drivers indicating the type of fire extinguisher suggested for use; and as recommended by the Fire Service. With regard to first aid kits; drivers were required to have these in the event of injury to themselves under Health and Safety legislation. Previously, a content list was prescribed by the Council but had proved too onerous for drivers. As a result, the content of kit was deliberately left open; it was not for the Council to dictate on this issue.

Councillor Jeffree said that he still considered the matter needed more flesh on the bones; such as recommending that a kit be obtained from a reputable chemist for example. The Licensing Officer said that consideration could be given to providing information on what items would be sufficient. The Environmental Health and Licensing Section Head said that they would make reference to the Health and Safety guidance to drivers that would explain the requirements for a first aid kit and that the contents should be in a reasonable condition.

Councillor Derbyshire returned to the Ministry of Transport Test Certificate issue asking on how many occasions issues had been raised by drivers about having to test a new car under the old policy. The Licensing Officer explained that the matter had been raised recently by an applicant seeking to licence brand-new electric vehicles. He suggested that drivers might question the sensibility of buying a new vehicle if it required a certificate which would then be at variance with the desire for them to have the safest transportation possible; another reason for the change in policy.

Councillor Connal asked whether it was considered satisfactory for young children to be carried without a requirement for restraints. The Licensing Officer explained that this was an exemption under statutory legislation for Private Hire and Hackney Carriages and was not simply Council policy.

Members discussed the potential for drivers to be provided with first aid training or to be given documentation to help identify symptoms in respect of passengers; with officers making a number of suggestions. However, as the first aid kits were in vehicles under Health and Safety regulations for a driver's own use in case of injury to themselves, it was agreed by the Committee that complying with the Health and Safety rules would be sufficient. It was also agreed that signs in vehicles indicating that a first aid kit was being carried could be removed so as to avoid any conflict with passengers.

The Licensing Officer proposed one further amendment to the report; that on page 25, paragraph 2.2 (the second recommendation), the word 'new' be deleted from line two. This was agreed.

The Chair thanked the officers for presenting the two reports to the Committee.

RESOLVED –

That the Licensing Committee adopt the revised vehicle licensing policy and conditions which are attached to the report at appendix 2 (for hackney carriages) and appendix 5 (for private hire vehicles); with the following amendment:

1. Appendix 2, page 42, item 8(2) to read; ‘a valid MOT certificate is in force
(issued within the previous 30 days), for vehicles registered with the DVLA
for 12 months or more at the time the vehicle is presented for licensing;’
2. That the Committee approve that the new licence conditions and vehicle
criteria come in to force for vehicle licences issued after 6 April
2015.

Chair
Licensing Committee

The meeting started at 7.32 p.m.
and finished at 9.13 p.m.

Chair

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