

**MINUTES OF A MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD AT
THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 14 APRIL 2016
COMMENCING AT 7.55 PM**

<u>IN ATTENDANCE:</u>		
Chair - Councillor Mrs H E Loydall		
Vice-Chair - Councillor Miss M V Chamberlain		
COUNCILLORS (9):		
G S Atwal	Mrs L M Broadley	Dr T K Khong
G A Boulter	B Fahey	K J Loydall
OFFICERS IN ATTENDANCE (2):		
M Arnold	S J Ball	

Min Ref.	Narrative	Officer Resp.
1.	<u>APOLOGIES FOR ABSENCE</u> An apology for absence was received from Councillors F S Broadley, Ms K Chalk, R F Eaton, J Kaufman and Ms A R Bond.	
2.	<u>APPOINTMENT OF SUBSTITUTES</u> Councillor Dr T K Khong substituting for Councillor Ms A R Bond.	
3.	<u>DECLARATIONS OF INTEREST</u> None.	
4.	<u>MINUTES OF THE PREVIOUS MEETING HELD ON 14 JANUARY 2016</u> RESOLVED THAT: The minutes of the previous meeting of the Committee held on 14 January 2016 be taken as read, confirmed and signed.	
5.	<u>PETITIONS AND DEPUTATIONS</u> None.	
6.	<u>FOOD SAFETY AND HEALTH AND SAFETY SERVICE PLAN 2016/2017</u> The Committee gave consideration to the report and appendices (at pages 9 - 19) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document. The Chair enquired as to how the Food Safety and Health and Safety Service Plan ("the Plan") compared to other local Regulatory Authorities in Leicester/shire.	

	<p>The Interim Environmental Health Team Leader advised that was no significant difference in terms of the Plan's substantive content: however, the number of premises administered under the Plan was said to be comparatively lower due to the relative size of the Borough.</p> <p>With reference to the services' diagram (at page 12), the Chair enquired as to whether the Environmental Health Officer, Mr Robert Watson, was assigned to 'Commercial' or 'Environment' and whether the Technical Officer and Pest Control Assistant were in-post.</p> <p>The Interim Environmental Health Team Leader advised that Mr Watson was assigned to 'Environment' and that the Technical Officer and Pest Control Assistant were in-post.</p> <p>With reference to Food Hygiene Rating Scheme (FHRS) (at page 15), the Chair enquired as to how often the 13 premises rated '1' or '2' were to be inspected.</p> <p>The Interim Environmental Health Team Leader stated that premises were ordinarily inspected on a six-monthly or annual basis as per the interventions chart (at page 15). He advised that those 13 premises in question were to be revisited on a more frequent basis with a view to offer guidance and support. He noted that a number of enforcement actions were available where necessary to ensure safety compliance.</p> <p>The Chair enquired as to whether premises holders were under a legal obligation to publically-display their FHRS rating.</p> <p>The Interim Environmental Health Team Leader advised that no such obligation was incumbent upon premises holders in England at the present time.</p> <p>The Chair sought further clarification as to what was meant by 'formal action will be taken <i>where possible</i>' (emphasis added) (at page 16).</p> <p>The Interim Environmental Health Team Leader advised that a breach in law must first be established to instigate formal action vis-a-vis a negligible fall below the requisite standards.</p> <p>The Chair enquired as why the exact number of health and safety premises for which the Council were responsible could not be ascertained.</p> <p>The Interim Environmental Health Team Leader stated that there was no registration scheme for premises, and that the estimate of approximately 700 premises was based on historical data.</p> <p>The Chair enquired as to whether Leicester Racecourse, Oadby categorised as a "large event" under the Plan's remit (at page 16).</p> <p>The Interim Environmental Health Team Leader advised that the Racecourse did not categorise as such due to its regularity of meetings. Councillor G A Boulter stated that there were a number of events in the Borough which exceeded 1,500 attendees and therefore required individual consideration.</p>	
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	<p>The Interim Environmental Health Team Leader advised that this County-aspect of concern pertained to large concerts/festivals and not events generally attended by the public at large. He stated that individual consideration would be given to concerned events in the Borough in consultation with the Licensing Department.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>The Borough of Oadby and Wigston Food Safety and Health and Safety Service Plan 2016/2017 (as set out at Appendix 1) be approved.</p>	
7.	<p><u>REVIEW OF FEES AND CHARGES FOR ENVIRONMENTAL HEALTH - PRIVATE SECTOR HOUSING</u></p> <p>The Committee gave consideration to the report and appendices (at pages 20 - 27) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>The Chair welcomed the revised Scale of Private Sector Housing Fees and Charges ("the Scale") on a full costs recovery basis. She sought clarification as to whether the current House in Multiple Occupation (HMO) licence period was five-years.</p> <p>The Interim Environmental Health Team Leader answered affirmatively.</p> <p>The Chair enquired as to how the Scale compared to other local Regulatory Authorities in Leicester/shire.</p> <p>The Interim Environmental Health Team Leader advised that all fees and charges were in range and benchmarked, accordingly.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>(i) The revised Scale of Private Sector Housing Fees and Charges (as set out at Appendix 1) be approved; and</p> <p>(ii) A ten-week period for the processing of a House in Multiple Occupation licence or re-licence application, after which tacit consent will apply (as set out paragraph 3.5 of the report) be approved.</p>	
8.	<p><u>FIRE AND AMENITY STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION</u></p> <p>The Committee gave consideration to the report and appendices (at pages 28 - 92) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>The Chair raised a concern regarding the potential number of unidentified HMO's within the Borough, and the safety implications associated therewith, and enquired as to what course of action had, or would be taken, to identify the same.</p> <p>The Interim Environmental Health Team Leader advised that investigatory work had been undertaken by Officers in the last two-months, including a</p>	

	<p>number of property visits/inspections and office-based research conducted on rooms-to-let websites. He estimated that there were approximately 30 unidentified HMO's in the Borough.</p> <p>Councillor K J Loydall emphasised the need for confidential communication channels to empower concerned tenants to confidently report failures in standards and that an equally robust enforcement machinery be emplaced to manage rogue landlords.</p> <p>The Interim Environmental Health Team Leader reported that HMO's identified upon a survey exercise were inspected imminently. It was said that moderate failures were to be addressed by formal letter, whereas severe failures would warrant the service of a formal Notice directing compliance. He stated that, due to the oft-transient nature of HMO tenants, there were difficulties in pinpointing complainants: however, he assured Members that a pro-active approach would continue to be undertaken.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <ul style="list-style-type: none"> (i) The adoption of the Amenity Standards for Houses in Multiple Occupation (as set out at Appendix 1) be approved; and (ii) The adoption of the Guide to Fire Safety in Houses in Multiple Occupation (as set out at Appendix 2) be approved. 	
9.	<p><u>REDRESS SCHEMES FOR LETTINGS AGENCY WORK AND PROPERTY MANAGEMENT WORKS</u></p> <p>The Committee gave consideration to the report (at pages 93 - 95) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>The Chair welcomed the recommendation as set out in the report at paragraphs 2.2.</p> <p>Councillor Mrs L M Broadley enquired as to whether lettings agents and property managers for short-term lettings (i.e. less than one-year) were required to register with one of the three Government approved schemes.</p> <p>The Interim Environmental Health Team Leader answered affirmatively. He advised that agents and managers ought to be fully aware of the legal requirement.</p> <p>The Chair enquired as to whether it was possible to seek confirmation from agents and managers once they had registered.</p> <p>The Interim Environmental Health Team Leader advised that the Environmental Health Department exclusively acted in an enforcement, as opposed to an investigatory, capacity.</p> <p>Councillor G A Boulter seconded the recommendations.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <ul style="list-style-type: none"> (i) Delegated authority be granted to the Head of Communities and 	

	<p>Environmental Health Team Leader to agree the implementation and enforcement arrangements for the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (“the Order”);</p> <p>(ii) The penalty for non-compliance with the Order of £5,000 be approved;</p> <p>(iii) Delegated authority be granted to the Head of Communities and Environmental Health Team Leader to review the monetary penalties for non-compliance with the Order, taking the recommendations of Department of Communities and Local Government guidance into account; and</p> <p>(iv) The amendments to the current Corporate Enforcement and Prosecution Policy (as set out in paragraph 3.7 of the report) be approved.</p>	
10.	<p><u>SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015</u></p> <p>The Committee gave consideration to the report and appendix (at pages 96 - 100) as delivered and summarised by the Interim Environmental Health Team Leader which should be read together with these minutes as a composite document.</p> <p>With reference to the Statement of Principles (at Appendix 1), the Chair requested that mention to “smoke alarm” be substituted with “<i>working</i> smoke alarm” (emphasis added) and that a suitable time-lapse be incorporated between inspections of the same premises in relation to penalties.</p> <p>The Interim Environmental Health Team Leader advised that it was statutorily-implied that an “alarm” was to be functional to be considered as such and, therefore, no such qualification was necessary. He further advised that Officers were to employ their professional judgement to deem what periods of time between inspections were appropriate in the obtaining circumstances.</p> <p>Councillor G A Boulter similarly requested that a paragraph be inserted into the Statement of Principles with regard to the explicit requirement of a “working” smoke alarm so that the Council may duly discharge the strict governance obligation(s).</p> <p>The Member further noted that it ought to become the aspiration of the Council to prescribe the use of hard-wired smoke alarms in later years.</p> <p>The Interim Environmental Health Team Leader explained that hard-wired smoke alarms were always the preferred option.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>(i) Delegated authority be granted to the Head of Communities and Environmental Health Team Leader to make arrangements to implement the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (“the Regulations”) and to put in place arrangements to review penalties in line with central government guidance; and</p> <p>(ii) The penalty for non-compliance with the Regulations as detailed in the</p>	

	attached Statement of Principles (as set out in Appendix 1) for determining the amount of a penalty charge up to a maximum of £5,000 be approved.	
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THE MEETING CLOSED AT 8.44 PM



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CHAIR

WEDNESDAY, 20 JULY 2016
