



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 06 April 2017</b>	<b>Matter for Information</b>
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**Title:** Environmental Health and Licensing Sections Update

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## 1. Introduction

This report is to advise and update the Licensing and Regulatory Committee on developments in licensing guidance, legislation and performance pertaining to the Environmental Health and Licensing sections of the Borough Council.

## 2. Recommendations

Members are asked to note the contents of the report.

## 3. Information

### 3.1 Licensing - Enforcement and Updates

#### **Scale of Fees and Charges**

The narrative on the Scale of Fees and Charges presented to Committee on 29 September 2016 has been altered as requested. This is attached at **Appendix 1**.

#### **Administration and Enforcement**

A verbal update will be provided at the meeting by the Licensing Enforcement Officer.

#### **Planned Training**

On Thursday 18 May 2017, both Licensing Officers will be attending training on Licensing Enforcement in London (as presented on 15 March during the Members' Training Session). This will be organised and delivered by the Institute of Licensing.

### 3.2 Environmental Health – Enforcement and Updates

#### **Food Hygiene Inspections**

In line with the 'Food Safety and Health and Safety Service Plan 2016 - 2017', food hygiene inspections have been undertaken by qualified Environmental Health Officers throughout the year. Full statistical data for 2016/17 is attached at **Appendix 2**.

#### **Dog Fouling and Stray Dog Service**

A verbal update will be provided at the meeting by the Environmental Health Team Leader.

#### **Public Space Protection Order (PSPO) – Dogs and Dog Fouling**

Advice and guidance is being sought from our legal team as to the process of introducing a PSPO in readiness for when the current Dog Control Orders expire in September 2017.

### 3.3 **Regulatory Updates**

#### **Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCPA 2014)**

This legislation provides an effective means of dealing with matters which meet three qualifying criteria:

- one which is having a detrimental effect on the quality of life of those in the locality;
- is a behaviour persistent or continuing in nature; and
- is unreasonable.

The Enforcing Officer makes that determination and can issue a Community Protection Warning (CPW) which, if not complied with, can then be followed by a Community Protection Notice (CPN). Both CPW's and CPN's are prepared under section 43 of the ASBCPA 2014.

Home Office guidance<sup>1</sup> produced in 2014 exists to assist Officers in the execution of these powers. The broader delegation of these powers to other officers could improve enforcement outcomes across the spectrum of housing and licensing issues.

A Professional Practice Note<sup>2</sup> produced by the CIEH (Chartered Institute of Environmental Health) also offers guidance to EH practitioners on the use of CPN's. This clearly states these cannot be used in instances where a statutory nuisance has been substantiated. Other relevant legislation exists for that, such as within part 3 of the Environmental Protection Act 1990.

It is open for the Committee to consider and discuss these aforementioned points for more detailed review at the next meeting of the Committee in the new municipal year.

#### **Policing and Crime Act 2017**

New powers are to be introduced on 06 April 2017 to safeguard against abuse of the licensing system by those who are not permitted to work in this country.

#### **Statement of Licensing Policy 2015 – 2020**

A copy of the Statement of Licensing Policy 2015 – 2020 is attached at **Appendix 3** for Members' perusal.

#### **Future Training for Committee Members**

The Chair, Vice-Chair and Members are asked to inform the Environmental Health Team Leader what training they would like delivered during 2017/2018.

#### **Partnership Working**

A number of successful joint-initiatives and action with colleagues in the Fire Service, Police and Public Health England (PHE) have, and will continue to ensure better outcomes for residents and businesses in and across the Borough.

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<sup>1</sup> Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals. July 2014

<sup>2</sup> Professional Practice Note 'Guidance on the use of Community Protection Notices under part 4 of the Anti-social Behaviour, Crime and Policing Act 2014'

## Better Business for All (BBfA)

This is a model of joint-working designed to ease the regulatory burden, particularly on SME's (Small and Medium Sized Enterprises), and ensure a more proactive targeted, risk-based approach to enforcement.

### 3.4. Matters Reported to the Service Delivery Committee Meeting on 21 March 2017

Other regulatory matters were reported in the 'Corporate Enforcement Update' penned by the Environmental Health Team Leader. This included: dog fouling, pest control requests: abandoned vehicles and a general presentation on the enforcement options to deal with litter, fly-tipping and accumulations. This is attached at **Appendix 4**.

#### Background Documents:-

- Scale of Licensing Fees and Charges Summary (*Appendix 1*)
- Food Hygiene Inspections – Statistical Data for 2016/17 (*Appendix 2*)
- Statement of Licensing Policy 2015 – 2020 (*Appendix 3*)
- Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals. July 2014
- Professional Practice Note 'Guidance on the use of Community Protection Notices under part 4 of the Anti-social Behaviour, Crime and Policing Act 2014'
- Report entitled 'Corporate Enforcement Update' of the Environmental Health Team Leader presented at the Services Delivery Committee Meeting on 21 March 2017 (*Appendix 4*)

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Implications	
<b>Financial</b> (CR)	No direct implications arising from this report.
<b>Legal</b> (SB)	No direct implications arising from this report.
<b>Risk</b> (PJS)	CR4 - Reputation Damage. CR6 - Regulatory Governance.  New changes to legislation may put the Council's reputation at risk.
<b>Equalities</b> (PJS)	No direct implications arising from this report. Equality Assessment:- <input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable