

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Helen Bell
direct line 0300 300 4040
date 26 May 2011

NOTICE OF MEETING

LICENSING COMMITTEE

Date & Time

Wednesday, 8 June 2011 9.30 a.m.

Venue at

Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the LICENSING COMMITTEE:

Cllrs L Birt (Chairman), K Janes (Vice-Chairman), R D Berry, D Bowater, I Dalgarno, C C Gomm, Mrs D B Green, I A MacKilligan, J A G Saunders, I Shingler, P F Vickers and N Warren

[Named Substitutes:

Mrs J G Lawrence, Ms C Maudlin, D McVicar, J N Young and A Zerny]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute Members

2. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes**

To approve as a correct record the Minutes of the meeting of the Regulation Committee held on 13 April 2011.

(attached)

4. **Members' Interests**

To receive from Members any declarations and the nature in relation to:

- (a) personal interests in any agenda item
- (b) personal and prejudicial interests in any agenda item.

5. **Petitions**

To receive petitions in accordance with the scheme of public participation set out in Annex 2 in Part A4 of the Constitution.

6. **Public Participation**

To receive any questions, statements or deputations from members of the public in accordance with the Procedure as set out in Appendix 1 to Part A4 of the Constitution.

7. **Exclusion on Press and Public**

To consider whether to pass a resolution under Section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraph(s) 1 of Part 1 of Schedule 12A of the Act.

Reports

Item	Subject	Exempt Para.	Page Nos.
8	Application for a Private Hire Vehicle Licence	* 1	11 - 20

To make a decision whether or not to grant a Private Hire Vehicle Licence to Mr S S in view of the age of the vehicle.

9. **Re-admittance of Press and Public**

To consider whether to pass a resolution to re-admit members of the press and public on the grounds that consideration of the remaining items of business are not likely to involve the disclosure of exempt information as defined by Part 1 of Schedule 12A of the Local Government Act 1972.

Reports

Item	Subject	Page Nos.
10	Duration of Combined Hackney Carriage/Private Hire Driver Licences	* 21 - 38

To seek a decision on whether to change the current policy of only permitting annual Hackney Carriage/Private Hire Driver Licences.

11	Health & Safety (as a regulator) Service Plan 2011-2012	* 39 - 44
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To provide an update on the work carried out by the Health & Safety Team during the period April to June 2011.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **REGULATION COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 13 April 2011

PRESENT

Cllr L Birt (Chairman)

Cllrs D Bowater
K Janes
H J Lockey

Cllrs Ms J Nunn
A A J Rogers
P F Vickers

Apologies for Absence: Cllrs I Dalgarno
M Gibson
R W Johnstone
G Summerfield

Officers in Attendance: Miss H Bell Democratic Services Officer
Mrs J Borthwick Service Manager, Public Manager
Mrs M James Licensing and Enforcement Officer
Mr M Woolsey Managing Solicitor

REG/09/51 **Chairman's Announcements and communications**

The Committee held a one minute silence as a mark of respect for Councillor T Green, Vice Chairman of the Committee who had suddenly and recently passed away.

REG/09/52 **Minutes**

RESOLVED

that the Minutes of the meeting held on 16 February 2011 be confirmed and signed by the Chairman as a correct record.

REG/09/53 **Member's Interests**

(a) **Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
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Cllr D Bowater	12 & 13	Family member involved with Council policies at the Local Better Regulation Office	Present
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(b) **Personal and Prejudicial Interests:-**

None

REG/09/54 **Petitions**

The Chairman announced that no petitions had been referred to this meeting.

REG/09/55 **Public Participation**

No applications had been received in accordance with the Scheme of Public Participation set out in Paragraph 1 of the Scheme of Public Participation set out in Annex 1 to Part A4 of the Constitution.

REG/09/56 **Statement of Policy about relevant convictions**

The Committee noted the Statement of Policy about relevant convictions as attached to the agenda.

REG/09/57 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED

The Committee resolved to exclude the press and public from the remainder of the meeting under Section 100A of the Local Government Act 1972 on the grounds that the consideration of the items of business would involve the disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A the Act.

REG/09/58 **Application for a Private Hire Vehicle Licence**

The Committee received and considered the report of the Licensing and Enforcement Officer concerning an application for a private hire vehicle licence in respect of Mr S Ahmed of D & R Taxis in view of the age of the vehicle.

A copy of the application form and supporting documents were attached as an appendix for Members' information.

The applicant attended the meeting and made representations in support of the application. The Committee were invited to view the vehicle, which was located in the car park.

In accordance with the procedures for hearings held in private, the applicant, Team Leader Public Protection and Licensing Officers were asked to withdraw whilst the Committee made their decision. The Committee's deliberation and visual inspection of the vehicle along with the service history and its appearance aided the decision process. Following which all who had withdrawn were recalled to hear the decision.

RESOLVED

that the application for a Private Hire Vehicle Licence for D& R Taxis be refused in this case under Section 48 of the Local Government (Miscellaneous Provisions)Act 1976, as the Committee does not consider the vehicle to be of an acceptable standard due to defects on the number plate, chip indentations on the bonnet and a chip on the grill.

The Applicant would be informed in writing of his right to appeal against the decision to the Magistrates' Court and that the appeal must be made in 21 days of written notification of this decision.

REG/09/59 **Application for a Private Hire (Special events) vehicle (Stretched Limosine)**

The Committee received and considered the report of the Licensing and Enforcement Officer concerning and application for a Private Hire Special Events) vehicle licence for Ms B J W of C B Limos in view of the age of the vehicle.

A copy of the application form and supporting documents were attached as an appendix for Members' information.

The applicant attended the meeting and made representations in support of the application. The Committee were invited to view the vehicle, which was located in the car park.

In accordance with the procedures for hearings held in private, the applicant, Team leader Public Protection and Licensing Officers were asked to withdraw whilst the Committee made their decision. The Committee's deliberation and visual inspection of the vehicle along with the service history and its appearance aided the decision process. Following which all who had withdrawn were recalled to hear the decision.

RESOLVED

that the application for a Private Hire (Special Events)Vehicle licence to Ms B J W of CB Limos be granted subject to (1) the Applicant being

reminded of the responsibilities to comply with the conditions of the Licence and that the Council has the powers under the Local Government (Miscellaneous Provisions) Act 1976 to revoke the licence at any time (2) that the application be granted subject to (1) above and receipt of a UK individual Vehicle Approval (IVA) Certificate or A European Whole Vehicle Approval Certificate and Limousine Declaration of Condition of Use.

REG/09/60 RE-ADMITTANCE OF PRESS AND PUBLIC

RESOLVED

That the Press and Public be re-admitted to the remainder of the meeting.

REG/09/61 Adoption of Central Bedfordshire Street Trading Policy

The Committee received and considered the report which sought adoption of the Central Bedfordshire Council Street Trading policy. The Committee were advised that adoption of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 would enable the Council to control the numbers and quality of street traders in the area. The Provisions of Schedule 4 of the Policy had been adopted by Full Council on 24 February 2011.

The Council had published a notice of the resolution to adopt the provisions of Schedule 4 in the Bedfordshire Times and Citizen newspaper on 3 March 2011 and again on 10 March 2011 as required by legislation.

RESOLVED

That the Central Bedfordshire Council Street Trading policy be adopted subject to the inclusion of the relevant Parish Councils' in Paragraph 5.5 and deletion of the word 'rise' and addition of the word 'change' in Paragraph 7.3 of the Policy

REG/09/62 Adoption of statement of licensing policy for sex establishments

The Committee received and considered a report seeking adoption of the Statement of Licensing Policy for sex Establishments.

The Committee were advised that adoption of Schedule 3 of the local Government (Miscellaneous Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009 would enable the Council to control the licensing of sex establishments.

A consultation period for the policy on sex Establishments ran between 18 October 2010 and 9 January 2011.

RESOLVED

that the Statement of Licensing Policy for Sex Establishments be adopted

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.37 a.m..)

Chairman

Dated

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Meeting: Licensing Committee
Date: 08 June 2011
Subject: Duration of Combined Hackney Carriage / Private Hire Driver Licences.
Report of: Gary Alderson – Director of Sustainable Communities
Summary: This report seeks a decision on whether Members wish to change the current policy of only permitting annual hackney carriage / private hire driver licences.

Contact Officer: Margaret James, Licensing Enforcement Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Financial:

Fees are payable for hackney carriage and private hire licences. The fees being charged represent the cost of the Council producing the licence.

Legal:

Local Government (Miscellaneous Provisions) Act 1976.
Town Police Clauses Act 1847.
Equalities Act 2010 – Taxis and Private Hire Vehicles.

Risk Management:

Ensuring that hackney carriage and private hire vehicles operating in Central Bedfordshire are safe and properly regulated.

Staffing (including Trades Unions):

There are no staffing implications.

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

Community Safety:

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

Sustainability:

By regulating this service area we can ensure that those businesses that are compliant can be supported and resources can be focused at that business that will not comply.

RECOMMENDATION:

- 1. To permit hackney carriage / private hire drivers who have held a licence with Central Bedfordshire Council for one full year to have a choice of applying for a one, two or three year licence.**

Background

1. The Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.
3. Before a local authority can make a decision on policies and conditions affecting the hackney carriage and private hire trade, they must consider the views of all interested parties.
- .4. The former South Bedfordshire District Council (SBDC) permitted three year driver licences to licence holders when they had held three consecutive annual licences. The former Mid Bedfordshire District Council (MBDC) did not permit three year licences.

5. The Department for Transport Best Practice Guide states;-

'It is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified during the duration of a licence. But this can of course also be the case during the duration of a shorter licence'

.....in relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme'. Under this scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or private hire driver, the police are requested to notify the appropriate local licensing authority.

6. In January 2010, and following consultation with the trade, Members of the Regulation Committee considered whether or not to permit drivers who had held a licence with Central Bedfordshire for at least one full year to have a choice of applying for a one year or a three year licence.
7. At that time, the Head of Community Safety objected to the issue of three year driver licences.
8. When the driver conditions were adopted by Central Bedfordshire in January 2010, Members resolved that three year licences would not be permitted.

Current Policy

9. The current conditions attached to hackney carriage / private hire drivers only allow a permit a 12 month licence.
10. On 12 October 2010, those drivers attending the monthly taxi and private hire forum expressed their disappointment that this authority does not allow the issue of three year driver licences and asked that Members reconsider the duration of driver licences. Two Members of the Regulation Committee were present at the forum. They agreed that consideration to carrying out a consultation on the matter would be sought at the November meeting of the Regulation Committee.
11. On 17 November 2010, Members of the Regulation Committee resolved that a 12 week consultation be carried out with the hackney carriages and private hire trade to seek their views on the issue of three year driver licences.

The consultation period ended on 31 March 2011.

Consultation

12. All hackney carriage and private hire licence holders, numbering approximately 750, were consulted and asked whether they felt that the current Central Bedfordshire policy of only permitting one year driver licences be changed to allow three year driver licences.
13. There were 5 representations made during the consultation. Summarised as follows:
 - A petition signed by 71 drivers stating that they would like the council to permit the issue of three year driver licences.
 - A petition signed by 9 drivers stating that they would like the council to permit one, two or three year driver licences.
 - 3 individual letters requesting a change to the current policy to permit three year driver licences.

Copies of Trade representations will be available at the meeting. Members are reminded that the copy letters from the trade include views about matters not being discussed at this meeting. All references to the duration of driver licences have been marked by an asterisk for Members information.

14. The Head of Community Safety has been consulted on this matter and she has consulted members of her own team.

She is of the opinion that, provided the proper procedures are in place to enable the Police to advise us of any incidents involving taxi drivers, she would not object to the issue of a three year licence.

15. Members are reminded that Central Bedfordshire does have an information Sharing Agreement with the Police and that the conditions attached to driver licences require drivers to inform this authority within seven days of any motoring or other criminal conviction or caution which has occurred since the granting of a licence.
16. If Members are minded to permit two or three year driver licences, it will be necessary for the cost of producing such a licence to be calculated by the Finance Section and the Head of Service in the usual way.

Appendices:

Appendix A – (copies of trade representation)

Background Papers: (open to public inspection)

None

Location of papers: Watling House, Dunstable

A

Margaret James
Taxi Licensing
Central Bedfordshire council
High Street North
Bedfordshire
LU6 1LF

Date: 25.03.2011

Dear, Margaret James.

This letter is in relation to the recent proposal made by the licensing authority in relation to the licensing of private and hackney carriage vehicles. It is understood by us that there is on going consideration being made to allow drivers of private hire vehicles to be allowed to carry a hackney carriage license.

We as hackney carriage drivers are very concerned about this and believe that it will have a negative effect on the trade which in the current financial climate is proving to be very difficult.

Drivers have expressed many concerns about this, which we would like to discuss with the council before any decision has been made. In particular many drivers have raised the following issues:

- All hackney carriage vehicles are currently required by the council to be purpose built taxis which carry a M1 certified certificate. The purchase values of these vehicles are far greater than a normal passenger vehicle, as well as the general maintenance and running costs. Many drivers have invested a lot of money into these vehicles to meet the council requirements. Some have taken out loans or financed for these vehicles. With the change in policy we as drivers believe that it is unfair that we have had made this huge investment, when in the short future it may no longer be required. This will also reduce the value and demand of the hackney vehicles putting us at further loss.
- With the current financial situation of the country, the general trade is very slow and quite. Together with the rise of fuel prices, drivers are struggling make a wage. Taxi ranks are over populated with taxis making it difficult to find a space. In particular town's locals are complaining that there are too many taxis. By granting this proposal it will allow more vehicles to use the ranks which are already in a struggling situation.
- We and many customers believe that these purpose built taxis carry advantages over a normal vehicle. Customers on wheelchairs can easily board the taxi without have to come out of the wheelchair. Elderly customers who have back problems or difficulty moving can access more easily due to the high roof and side step. In general the ease of access makes these vehicles more practical in an environment where it is busy with a lot of traffic.

- Could licensing authority consider bringing back the three years license, as this would be more cost affective at these time.

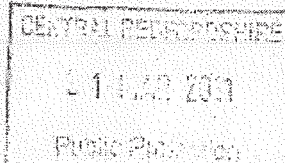
We understand that the law has recently changed regarding licensing of taxis, however we ask the council to look at this situation from a fair point of view. We ask the council consider in particular the impact this will have on the trade and drivers.

Enclosed with this letter is a list of names, contacts signatures of all who are objecting this proposal. We would be grateful if the council will contact us to discuss this matter further.

Your Sincerely,



Rec'd 29/3/11
MJ James



Flitwick, 30 March 2011.

Ms Margaret James
Licensing & Enforcement Officer (Public Protection)
Central Bedfordshire Council

Dear Madam,

Hackney Carriage & Private Hire Licensing

30 MAR 2011

CB - PRIORY HOUSE

Reference your consultation document GEN.MEJ of December 2010 addressed to All Hackney Carriage & Private Hire Operators/Proprietors/Drivers soliciting their views on various matters. We, the Licence Holders operating from Flitwick Railway Station, state as follows:

We are of the firm opinion that the current Central Bedfordshire policy for taxis needs urgent change to permit a proportion of non-wheelchair accessible vehicles. The reason being the cost involved in change over in the current financial meltdown environments and its affordability by the licence holders. Consequently, there may not be increasing demand for wheelchair accessible vehicles for some time to come. In our practical experience we have come across people who do not always find their journey in a wheelchair accessible vehicles always comfortable. They would prefer to travel in a vehicle which meets the needs of a broad range of disabled people using hackney carriages and/or private hire cars.

We are fully in favour of changing the condition of not allowing issue of three year driver licences. There should be a choice of one, two or three years. The amount of bureaucracy involved is the same.

Advertising on Hackney Carriages

We concur with Council's resolution of allowing suitable advertisements which general public do not object. Our trade should also be part of a set up to prepare guidance on acceptable advertisements.

Taxi & Private Hire Forums

We note the lack of interest and attendance in the above forums. Before we embark upon the idea of web site, it is better to find out the reasons thereof. Exchange of views in person is much better than looking at a laptop screen.

Equalities Act 2010

Looking at the response in respect of Taxi & Private Hire Forums, it is high time that Operators/Proprietors/Drivers are made aware of the vital requirement of the Equalities Act provisions in regard to needed assistance to wheelchair users. The drivers need to be aware that it is advisable and lawful to treat a disabled person more favourably than a non-disabled person in order to address their

~~special needs. Central Bedfordshire Council should undertake steps to create and enhance awareness amongst Taxi & Private Hire trade in this respect.~~

~~We agree with the proposal of exemption for those drivers who themselves suffer disability.~~

~~As a result of restructuring of the Licensing Section, it will be a good idea of constantly relaying a repeated message on your telephone system regarding availability of staff for personal callers in this regard so that people get used to it. Proprietors etc. at their end should display the changed schedule for their drivers information.~~

Yours faithfully,



(Vinod Kumar Boylla)

Plate No.2226

172

List of drivers with their particulars enclosed

To. Central Bedfordshire Council
High Street North
Dunstable
Beds
LU6 1LF

Date 15th December 2010

CONSULTATION

Dear Margaret

With reply to your letter dated December 2010.

1 WHEELCHAIR POLICY

We at Connection Chauffeur Services Ltd, Feel that there are sufficient vehicles Already available to the disabled people of Central Bedfordshire, there is dial a ride service, Ambulance service for the hospital. Plus a number of taxi's and some private hire vehicles. If the council make this compulsory are the council going to help fund the cost of replacing these vehicles.

2 LICENCES

As with most of the current conditions these adopted by this council are with this old mid beds conditions and not on the side of the old south beds, As for the deletion of the three year licence this was done only to increase Revenue at a Cost to the trade and put funds in the council bank account, This should be reinstated with immediate effect at a low cost

3 ADVERTISING ON ALL VEHICALS

We feel that a total ban on all advertising on taxi's and private hire vehicles Advertising on taxi's make it looks unsightly and can cause a lot of complaints from the general public

4 FORUMS

I feel that these should be on a Quarter basis with a set agenda that is draw up from points that has risen from complaints or changes made by the council And state that a set number need to attend to carry out this meeting

5. Equalities act 2010

This act is an open can of worms as always you can only satisfy a certain number of disabled, certain people use this legislation about discrimination, and relate to their own disability and will complain every time.

You will find that all taxi's and private hire drivers alike will always ensure that assistance is given to these people and will always help with wheelchairs.

I have watched this with interest as myself I am disabled and find at times it is difficult to get in some vehicles,

6 Personal Callers

Have spoken to a number of drivers we feel that the change and the restructuring amounts to a loss of the personal attention to us in the trade And a cut back to the licensing department at Dunstable it is time for us at this end on the council to make our feeling known as the old mid beds councillors are calling the tune and everything is done at chick sands.

Yours sincerely

Howard R Killick

For Connections Chauffeur Services Ltd

Margaret James

To: Chris SAPSFORD
Subject: RE: Consultation Paper - Your Ref GEN.MEJ

Many thanks for your views Chris

Margaret James
Licensing and Enforcement Officer (Public Protection)
0300 300 5400
x 75400

From: Chris SAPSFORD [mailto:
Sent: 31 December 2010 15:21
To: Margaret James
Subject: Consultation Paper - Your Ref GEN.MEJ

Hi Margaret

Received Dales license in the post thank you.

Regard Taxi / PH Licensing Consolation paper recently circulated. Although new to the business, my views are as follows.

Regard monthly forums. I agree some sort of web forum sounds really useful. I am not surprised the monthly meetings are poorly attended.

Duration of licenses. I agree twelve months does seem a very short duration in the scheme of things. Three years being a more practical duration and will no doubt cut down a great deal of administration by the council.

Wheelchair access. I would anticipate any government review would strongly endorse equipping the majority of taxi/PH for wheelchair access.
My only thoughts are in line with what I believe some within the trade are suggesting with regard VAT relief, to encourage the adoption of these conversions.
I have ordered wheelchair access for our new vehicle at a great cost, which is still subject of VAT in its entirety!
I do not think access should be mandatory, but some other encouragement should be given (i.e. VAT relief). The lack of wheelchair access will of course limit that vehicle owner (or companies) customer base, to the benefit of those who have had the work carried out!

Regards

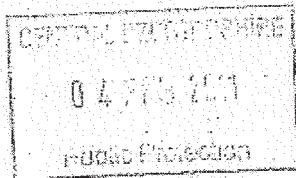
Chris

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

04/01/2011

'Big Bug Limos'

Driver No. 2698



Dear Margaret,

In reference to our conversation on January 17th I write to you asking to keep the forums held at Chicksands at least 4 times a year if possible, as I do find it better speaking to somebody face to face rather than sending emails, as I don't have a computer. Also I've written before about the yearly license making it 3 years which we mentioned in the last forum I attended.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Mark J. Galvin".

Mark J. Galvin

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Meeting: Licensing Committee
Date: 8th June 2011
Subject: Health and Safety (as a Regulator) Service Plan 2011-2012
Report of: Gary Alderson – Director of Sustainable Communities
Summary: This report provides and update on the work carried by the Health and Safety Team for April to June 2011.

Contact Officer: Jo Borthwick, Service Manager Public Protection
Public/Exempt: Public
Wards Affected: All
Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and caring for an ageing population - The Council is the enforcing body for health and safety in care homes where Council interventions improves the health and safety of both staff and elderly residents

Educating, protecting and providing opportunities for children and young people - The Council, as part of its inspection and intervention programme, educates and where necessary, takes enforcement action, to secure the health and safety and welfare of children at work, children attending nurseries, and children visiting businesses with parents (Garden Centres, Supermarkets etc)

Managing growth effectively - Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth.

Promoting healthier lifestyles and creating safer communities - The Councils health and safety programme which includes intelligence led interventions, accident investigations, topic-based promotional work and providing advice and education to businesses helps create safer communities

The health and safety programme also contributes to developing healthier lifestyles for those working in Central Bedfordshire by seeking to reduce the instances and root causes physical and mental ill health arising in the work place.

Financial:

All expenditure will be met within existing budgets. Budget allocation figures as detailed in the service plan.

Legal:

There is a mandatory requirement placed on the Council by the Health and Safety Executive to produce Enforcement Service Plans which are approved by members. The service plan details health and safety enforcement functions carried out by the council under the Health and Safety at Work etc. Act 1974 and associated regulations.

Risk Management:

Failure to properly manage and operate the enforcement services could result in central government agencies intervening to assume responsibility for the function.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Service undertakes regular equality monitoring to check that local businesses are aware of the service and able to access information and guidance. Information is translated where necessary and training is delivered in other languages when appropriate. It also works with schools, child care settings, care homes and luncheon clubs to promote the well-being of vulnerable groups. The Service has an important role to play in helping to prevent disability and tackling health inequality caused by unsafe working practices.

There are no direct implications for human rights. The application of legislation may have human rights implications in instances where premises are closed down or prosecutions are brought.

Community Safety:

The Service Plan details how the Council will discharge its responsibility to enforce health and safety law within Central Bedfordshire. The implementation of the service plan will work to minimise criminal contraventions of the legislation which is intended to ensure workers and public safety.

Sustainability:

Regulation of Health and Safety at businesses in Central Bedfordshire is focused where the greatest risks are found and the service looks to support compliance to ensure best use of resources and the best outcomes for the whole community.

RECOMMENDATION(S):

that the Regulation committee

- 1. endorses the Health and Safety Quarterly Report for April to June 2011**

Background

1. The Health and Safety Executive (HSE) is a body, appointed by the Secretary of State, whose primary function is to make arrangements to secure the health, safety and welfare of people at work, and of the public in their dealings with commercial undertakings. The HSE are also responsible for proposing new laws and standards; conducting research and providing information and advice; and developing policy on fundamental and strategic health and safety issues. The HSE has specific powers to monitor and audit the activity of Local Authorities enforcing health and safety legislation to ensure relevant guidance is being followed.

2. Section 18 of the Health and Safety at Work etc. Act 1974 requires Local Authorities to make adequate arrangements:
 - for the enforcement of health and safety in premises under the Authorities enforcement remit;
 - to perform the legal duties imposed on them;
 - to undertake any other function conferred on them by relevant statutory provisions; and
 - to set out its commitment, priorities and planned interventions.The arrangements for carrying out these tasks in Central Bedfordshire are detailed in the Health and Safety (as a Regulator) Service Plan 2011 -2012 as set out in Appendix A.

3. Specifically Public Protection seeks to meet Section 18 requirements for member engagement by ensuring the committee are kept informed of progress against the annual plan and the work of the team.

Appendices:

Appendix A – Health and Safety Quarterly report June 2011

Background Papers: Health and Safety (as a regulator) Plan 2011-12

Location of papers: Priory House, Chicksands

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Health and Safety Quarterly Report for June 2011

This report provides an update on the work carried by the Health and Safety Team for April to June 2011. It is not an exhaustive list but identifies some key activities.

Investigations

A preliminary file has been sent to solicitors for consideration of findings into a firework incident where 18 people were injured.

Accident where an employee with osteoporosis fell and fractured vertebrae, full co-operation from the company and matter being dealt with.

Failure to comply with an Improvement Notice requesting an electrical report of a mini-market

David Chipperfield Entertainment Ltd. is being investigated with the HSE on the fall at height incident from a High Top circus tent (near fatality). This invokes the use of the Flexible Warrant for the 1st time in our District which demonstrates our partnership working.

Notices (8 improvement notices and 1 prohibition notice served)

Prohibition Notice served on parcel delivery company protecting the safety of customers. Other important issues were found. Works ongoing and significant improvements made regarding health and safety

Improvement Notices served on Petrol Station to make the premises safer for both staff and customers

New registration issued for Tattoo and piercing company following the lifting of a Prohibition Notice which had stopped all tattooing and piercing

We have also received and investigated 38 accident notifications.

Safety Advisory Group

The May meeting was our busiest. We are due to attend a briefing with the Police regarding a very unusual project called "Godiva Lives" which plans to have 25 cyclists joined together to transport a giant puppet structure from Coventry to London (going down the A5 through Dunstable to Luton) to coincide with the 2012 Olympics. We have provided advice to a number of events in respect of their event safety management arrangements, particularly with regards to processions on the highway. We have provided an advisory update to Town & Parish Councils on a range of topics including safety at public fireworks displays, Remembrance Day Parades and arrangements for The Royal Wedding.

The group has also recently dealt with a planned event in Old Warden where concerns were raised by a number of interested parties by communicating and liaising with those involved and affected.

Other work

Report produced for the Duty to Manage Asbestos project carried out by Herts and Beds group in which CBC took a key role in the organisation & administration of this project and the writing of the report. We carried out numerous inspections and served 6 Improvement Notices

CBC hosted a joint seminar with the HSE on managing Health and Safety where best practice and issues were discussed.

Animal Licensing

Following visit with vet to premises containing 100s of animals where poor conditions were noted in February 2011, there is ongoing monitoring to ensure the welfare of animals.

We completed the combined Zoo Licensing Renewal & Periodical Inspection process for Whipsnade Zoo and have issued them with the inspection report for their comment. We have also been approached by them with regards to setting up a Primary Authority agreement covering Zoo Licensing, Food Safety, Trading Standards and Health & Safety for both Whipsnade & London Zoos. This is in the very early stages.

For further details please contact Jo Borthwick on 0300 300 6170