

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



please ask for Helen Bell
direct line 0300 300 4040
date 25 October 2012.

NOTICE OF MEETING

LICENSING COMMITTEE

Date & Time

Wednesday, 7 November 2012 9.30 a.m.

Venue at

Room 15, 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, Mrs M Mustoe, R B Pepworth, A Shadbolt and N Warren

[Named Substitutes:

Mrs A Barker, Mrs J G Lawrence, Ms C Maudlin, D McVicar and J A G Saunders]

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 and matters of communication from the Chairman.

3. **Minutes**

To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 12 September 2012.

(attached)

4. **Members' Interests**

To receive from Members any declarations of interest.

5. **Petitions**

To receive any questions in accordance with the Scheme of Public Participation set out in Annex 2 in Part A4 of the Constitution.

Report

Item	Subject	Page Nos.
6	Health & Safety Intervention Plan Update	* 7 - 16

7 **Exclusion of Press and Public**

*

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

Reports

Item	Subject	Exempt Para.	Page Nos.
8	Application For a Hackney Carriage Licence To make a decision whether or not to grant a Hackney Carriage Licence to Mr S S A S in view of the age of the vehicle.	* 1	17 - 50
9	Application for a Private Hire Operator Licence To make a decision whether or not to grant a Private Hire Operator licence to Mr S I in view of the location of the proposed premises.	* 1	51 - 72

This page is intentionally left blank

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **LICENSING COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 12 September 2012

PRESENT

Cllr L Birt (Chairman)
Cllr K Janes (Vice-Chairman)

Cllrs R D Berry
D Bowater
I Dalgarno
C C Gomm

Cllrs Mrs D B Green
R B Pepworth
N Warren

Apologies for Absence: Cllr Mrs M Mustoe

Substitutes: Cllr J A G Saunders
A Shadbolt

Officers in Attendance: Miss H Bell Committee Services Officer
Mrs J Borthwick Service Manager, Public Manager
Mrs M James Licensing and Enforcement Officer

L/12/10 **Chairman's Announcements and Communications**

The Chairman asked Members to stand in silent tribute in memory of Councillor Peter Vickers who had recently passed away.

L/12/11 **Minutes**

RESOLVED

that the Minutes of the meeting held on 11 July 2012 be confirmed and signed by the Chairman as a correct record.

L/12/12 **Members' Interests**

No declarations of interest were made.

L/12/13 **Petitions**

No petitions were received.

L/12/14 **Questions, Statements or Deputations**

The Committee received representations in accordance with the Public Participation Procedure as set out in Annex 1 of part A4 of the constitution.

L/12/15 **Application for an increase in Hackney Carriage Fares**

The Committee received and considered a report of the Director of Sustainable Communities seeking consideration of approving an application for an increase in hackney carriage fares with effect from 1 October 2012.

The report advised that the last increase in fares for Hackney Carriages took effect from 2 January 2009. In May 2012, a request for an increase in Hackney Carriage fares was received from a member of the trade, 82 members of the trade agreed with the request. A copy of the letter was attached to the report. One objection was received.

A copy of neighbouring local authorities hackney carriage fares were appended to the report.

RESOLVED

That an increase in hackney Carriage fees as set out at Appendix A to the minutes be approved with effect from 1 October 2012.

(Note: The meeting commenced at 9.30 a.m. and concluded at 9.55 a.m.)

Chairman

Dated

Meeting: Licensing Committee
Date: 7 November 2012
Subject: Health and Safety (as a Regulator) Service Plan 2012-2014
Report of: Gary Alderson – Director of Sustainable Communities
Summary: This report provides an update on the work undertaken by Public Protection against the above plan in relation to the regulation of Health and Safety at work in the Central Bedfordshire area.

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

CORPORATE IMPLICATIONS

Council Priorities:

Enhancing Central Bedfordshire – including creating jobs and enabling businesses to grow by supporting businesses to comply with their legal obligations through a targeted and intelligence led approach. Businesses are given advice and helped with enforcement actions only employed when businesses refuse to work with us or recklessly or deliberately put the health and safety of their employees and/or the public at risk. The service recognises that by working with businesses to help them to do things right we can make the business more efficient and reduce their costs which in turn helps businesses expand and develop.

Promote health and wellbeing and protecting the vulnerable by ensuring high health and safety standards at businesses across Central Bedfordshire we can protect employees and members of the public who visit business premises from injury or ill health. This includes care homes where our work can help improve the health and well being of elderly residents as well as the staff working there. The work of the team 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.

Value for money by targeting our interventions and providing training and advice to businesses we provide value for money. This means we only visit businesses when we need to and by supporting them to get things right we reduce the costs to the Council of needing to take potentially expensive enforcement or court action.

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. Notes the work undertaken in support of the plan and approves any necessary changes made to it**

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 2012 -2014

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

Appendices: none

Background Papers:

Location of papers:

This page is intentionally left blank

Health and Safety six monthly report for 7 November 2012

This report provides an update on the work carried by the Health and Safety Team for April to October 2012. It is not an exhaustive list but identifies some key activities.

Investigations

91 accidents have been reported to the team over this period all of which have required consideration.

This compares to 131 RIDDOR notifications for the same period in 2011 (albeit to the end of October). We would suggest that the main reason for the fall in numbers of RIDDOR reports (other than the fact that under-reporting by businesses under RIDDOR is notorious - to the extent that it is estimated that up to 50% of notifiable incidents under RIDDOR go unreported by businesses) is the change in the reporting requirements which came into effect in April 2012 - businesses are no longer required to report "over 3 day" incidents, only over 7 day incidents (i.e. where the employee has been off work or unable to carry out their normal duties for a period of 7 or more days). The higher threshold for reporting incidents enables us to focus on the more serious incidents which warrant further investigation.

Notices

There have been 5 Prohibition Notices and 3 Improvement Notices issued since April 2012.

PROJECTS

(See attached table)

Lasers

Since October 2010, the requirement to register Class 3B and 4 lasers with the Care Quality Commission (except for in surgical situations) ceased. As a result, laser, Intense Light Systems (ILS) and Intense Pulse Light (IPL) treatments in hair and beauty salons, non-NHS private clinics and other cosmetic establishments will fall into the remit of Local Authority enforcement under the above mentioned legislation. As such, the Public Protection team identified premises offering treatments commercially within the district and initiated a project to assess the business' compliance in line with the guidance issued by the Department of Health and the relevant health and safety legislation.

In total 5 established premises were inspected and any non-compliance noted at the time of the visits have now been addressed. The use of laser equipment is considered high risk in that it can cause serious personal injury if the treatment is incorrectly applied or if a faulty equipment is used. As the health and safety team now hold a database of operators, they will be inspecting premises at an appropriate frequency. Moreover, the team will be

seeking to approach businesses/ operators reported to the Council offering treatment without prior consent from the Council.

Electrical Safety

Historical knowledge from Council officers indicated that a significant number of businesses were situated in buildings where the proprietor was unaware of the safety of the electrical installation. As such the Council decided to carry out a project to identify unsafe electrical installations.

The purpose of the project was to help ensure the following:

- The preliminary identification of possible electrical defects which could give rise to personal danger, or risk to property;
- Where suspect electrics were found, action was taken to ensure the electrical system was safe.
- Increase awareness amongst businesses as to the importance of maintaining a safe electrical system.

Fifty food businesses were visited to check the electrical safety of the installation. Officers visited a variety of small to medium sized predominantly independent businesses. In accordance with a written safe system of work and guidelines, officers discussed the electrical history with the manager/owner, carried out visual safety checks, and used Martindale professional socket testers on electrical sockets and electrical extensions.

From the fifty premises checked, 7 premises (14%) were found to have defective electrics. In all but one case where the business was subject to enforcement action, the business willingly took immediate action to rectify the matter.

Asbestos

Central Bedfordshire Council is the lead authority as part of an asbestos safety project covering thousands of commercial premises across Hertfordshire and Bedfordshire.

Asbestosis is the single greatest cause of work-related deaths in the UK. When these fibres are inhaled they can cause serious diseases which are responsible for around 4500 deaths a year. Asbestos was extensively used as a building material in the UK from the 1950s through to the mid-1980s. It was used for a variety of purposes and was ideal for fireproofing and insulation.

This project is being carried out over an 18 month period commencing October 2012 where council Public Protection Officers will be visiting 116 businesses in Leighton Buzzard, advising them about their legal requirements in identifying asbestos, and checking they have measures in place to ensure asbestos within the building is managed so that it does not present a risk to health.

Businesses failing to work with the Council will be subject to enforcement action via service of statutory notices.

Torch Relay – One officer was effectively seconded to the Torch Relay Task Group for a period of around 12 weeks. I was responsible for planning and devising, organising and implementing the Crowd safety Management plan for the event.

Safety Advisory Group

The SAG has been involved in scrutinising the Council's event safety management plan for the Olympic Torch Relay. The SAG were also involved in detailed and protected discussions with the event organisers of the Godiva Awakes project to ensure that this went off without any significant impact or incidents as it travelled across our district. There was some negative publicity over the way that the event was handled by Hertfordshire Police when the event moved into their district. I am currently working on a H&S project which links to the SAG promoting best practice in planning and organising public firework events in Central Bedfordshire. Town & Parish Councils have been contacted, and a press release issued to promote this further, and I am in contact with various event organisers to provide them with further information, advice and guidance in this respect.

Other work

There continues to be regular requests from individuals and businesses wanting to be registered to carry out body piercing and/or tattooing following the upward trend in these types of businesses.

The Service carried out a highly successful two day **Zoo seminar** for local authority zoo licensing officers with zoo licensing experts as speakers. Central Bedfordshire Council has four zoos staff so the training was invaluable in what is a complex area our staff were also able to share their experiences and learn from the 80 colleagues who attended from across the country.

The **Estates Excellence** Project has recently been launched at Woodside Industrial Estate at an event attended by the Mayor of Dunstable, Cllr Dalgarno and the 16 partners including Central Bedfordshire Council, the Fire Service, the Police, the Health Service, the HSE and local businesses. The project involves partners visiting businesses and carrying out an assessment of how well they manage health and safety in their work place. They are then invited to free, short, focussed training sessions covering areas where they need help. The training is delivered by experts from regulators and businesses and is to be delivered on the estate so they won't have to travel.

Animal Licensing

A review of licence fees in this area has been completed and revised fees agreed and introduced, these reflect the costs incurred by the Council in the licensing process.

For further details please contact Jo Borthwick on 0300 300 6170 (x76170)

Dynamic Intervention Planning Summary table 2012 – 2014

Sector, premises type or specific cross sector activity	Evidence that identified the concern and set its priority	Planned intervention type	Rationale for intervention	Planned activity or resource	Timescale
Legionella	HSE highlighted as ongoing health issue	Map legionella sources, work with Herts and Beds group to formulate outbreak plan	Reduce risk of public contracting legionnaires disease	To be decided as waiting on instructions from HSE	TBA- working with Herts and Beds group
Electrical safety	Local inspector knowledge	Education and awareness, Other interventions	Reduce electric shock risks,	Use of electrical test equipment during food visits	April 2012
Risk assessment for all businesses	Low level of compliance with risk assessment requirements	Free CIEH approved training	Making businesses safer and reducing accidents and ill health by providing support	CIEH approved courses provided by Health and Safety Officers	Ongoing
Manual handling in catering est.	National priority	Education and awareness, Other interventions	Reduce number of incidents	Letters, self assessment questionnaires, follow-up	Ongoing working with food team
Zoonosis in animal contact	National priority, local poor compliance	Sector/Industry wide initiatives	Reduce zoonotic diseases	Inspections, distributing information sheets	April 2013
Asbestos	National priority	Sector/Industry wide initiatives, partnerships	Raise awareness, reduce cancer risk	Letters, follow-up inspections	March 2014
Sun beds	National priority	Education and awareness, Other interventions	Raise awareness, reduce cancer risk	Letters, follow-up inspections	May 2012
Special Treatments: Use of Laser / Intense Pulse Light.	It is a high risk activity and Regulatory function has been transferred to LAs.	Education and awareness, Other interventions	Reduce serious accidents and injury	To be decided	October 2012
Warehouse workplace transport, falls from height, manual handling	HSE and LA priority in particular Herts and Beds Occ Safety Group	Education and awareness, Other interventions	Raise awareness, reduce risk of serious personal injury.	Estates Excellence project, visits, advice, business training	March 2014

Advise to Firework Display organisers	Local intelligence and good practice	Education and awareness, Other interventions	Raise awareness, reduce risk of serious personal injury.	Visits and materials and advice supplied	November 2012
---------------------------------------	--------------------------------------	--	--	--	---------------

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank